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Marriage among the Nkundu
(Le mariage des Nkundɔ)

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Introduction

101 This study deals with the marriage laws and customs of a large group of the Nkundó [Nkundu] people. Therefore, it would be useful at the beginning to give some general information about this people, who are very interesting from the ethnological standpoint. Then we can define the specific purpose of our investigation.

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131 The Nkundó or Mongo occupy almost the entire length of the central basin of the Belgian Congo, from the Lulonga-Lopori [rivers] in the north all the way to Lake Leopold II, and beyond the Lukenie [River] as far as the Kasai [River]. In the west they touch the Congo River only south of the "Ruki" (1); the western part of the old Lulonga District is occupied by the Ngombe, whose territory extends as far as the Maringa [River] (known to the natives as Lǔwo) upstream from Basankusu (Basǎnkoso according to the natives). (2) In the east they may be found as far as, and even beyond, the Lomami. In the southeast they have penetrated into the northwestern part of Sankuru District. At the present time it is still impossible to delineate precisely their eastern and southeastern boundaries; the Bambólé, the Bahamba, the Mĭtuku, the Bangelengele, [4] the Balengola, the Basongola, and even the Batetela and the "Bakusu," are either Móngo or very closely related. (1)

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1. Ruki is probably a corruption of Bolóki, a tribe of fishermen living downstream on the banks of this river, which the natives prefer to call Loilaka.

2. According to Bittremieux and Lestaeghe, a few Nkundó remain on Nsumba Island near Nouvelle-Anvers (Congo, 1922, Vol. 1, p. 194).

101 1. See Donckerwolcke, in Kongo-Overzee, Vol. 1, p. 235, and my article in Congo, Vol. 1, p. 13. The fact that Donckerwolcke

101 classifies the Bakela (or Boyéla), who are unquestionably pure Móngo, among the Wakutshu [Wakusu] or Batetela is highly significant.

161 It is impossible to give an exact figure for the size of the population we have just defined. In any case one can estimate that it is more than a million.

184 Throughout the huge territory occupied by this people, only insignificant differences in institutions or language can be observed. Greater divergences appear in the material manifestations of culture.

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563 In my opinion it is likely that certain groups which belong among the Nkundo-Móngo as far as culture and speech are concerned, may be distinguished from them in genealogy and history. Among these are the true Elíma or riverain people (the Bolóki, the Eleku, the Elíngá of the upper Lomela and the upper Tshuapa), (2) the Ngombe tribes

2. We exclude a few Libinja and Basokó clans living near Coquilhatville, since they are clearly of alien origin. The native name for the Tshuapa [River] is Jwafa or Jafa and, higher up, Lwafa. Among the Bongandó and the Bahamba it is called the Laha.

of the Lomelà, the Mbólé, the Bakutu of the Lomela-Tshuapa (with whom one should probably include the Ntómbá and the Nkóle), (3)

3. See my article in Congo, 1931, Vol.1, pp. 21 ff.

and perhaps also the Mpámá and the Losakanyi. (4). This likelihood

4. The latter are erroneously called Losakanja by Father Schebesta in Vollblutneger und Halbzwerge, p. 199. They seem to have lived formerly on the lower Momboyo River (Luilaka); the land on which Flandria Mission has been established still bears their name.

Pygmies FO4
Batswa

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101 does not exclude the possibility of a distant kinship, but the present
563 state of our knowledge makes the solution to this question impossible; for very close resemblances may be explained by a common origin as well as by a period of living in close contact, and differences may be due to diverse origins [5] or to a temporary separation at a certain point in history.

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144 A considerable number of Pygmoids or Pygmiforms (1) (Batswá, Jǒ̲fe̲, Balámbe̲, Bilángi, Boné) are to be found scattered among the Nkundó. They share a community of social and economic interests with their "masters." The Bo̲tswá belongs to his master and depends on him, but he is not, strictly speaking, his slave. His master not only has rights over him; he also has obligations to fulfill. Most of the Pygmoids are to be found in the western part of Nkundó territory; in the east they are very rare.

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173 The Nkundó-Mó̲ngo̲ came from the north or northeast, while the Mbólé claim to have come from the northwest, and the Bakutu from the west. (2)

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101 A word should be said about the name of these people. Ordinarily, we call them the Nkundó-Mó̲ngo̲. The first of these names is used in the west and in the south, the second especially in the north and in the east. The Elángá of the Losanganya region are called the Mo̲ngo̲ éâ Lolo, or the Upstream Mó̲ngo, by the peoples to the west of them. Foreigners call all these peoples, including the Nkundó, the Mbólé, the Bakutu, etc., by the name of Mó̲ngo̲. In literature one sometimes encounters the name of Lolo or Balolo. (3) But, as we have seen, *lolo* is not a proper noun but simply the word meaning "upstream"

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1. This name was proposed by Father Schebesta, *op*. *cit*., p. 170.

2. See my study, previously cited, *passim*.

3. For example, the name of the Protestant mission of the Lulonga is "Congo Balolo Mission."

101 (in other dialects translated as *nkoto*).

The people are called Nkundó or *Móngo*, never Bankundó or 101 *Bamóngo*. The prefix *ba* is often heard, as it may be used in front 193 of all proper nouns, similarly to the French usage in *les Molière*, *les Rubens*, etc. [or the English usage: the Browns, the French, the Nkundó]. The singular prefix *bo* is also used, but only rarely. [6] I have heard it only in the expression: *ale ô bonkundó mongo*, "He is a real Nkundo." This statement was made only in speaking of a foreigner who had successfully assimilated the Nkundó language and culture. It is possible, however, that it has a broader meaning.

Is it possible to discover an etymology for these names? 101 *Móngo* is a common noun signifying something excellent, expecially a person. People say *móng'ěy'ǒna*, "a fine child," *móng'ěy'ǒmoto*, a superb woman." (The name should be compared also with the term *imóngo*, which denotes the state of being of a person who is well thought of, prosperous, rich, etc.) The form of the word does not change in the plural. The name Nkundó is more difficult to explain, if an explanation is at all possible. (1) If the name is to be related to some other word, the only possibility is the verb *kundola*, "to unearth what has been buried." But to unearth what? The corpses of one's enemies, in order to prove one's daring by eating them? Or copper rings, which would mean their wealth? The possibility is there, but we have no direct evidence. According to Fathers Bittremieux and Lestaeghe (on p. 195 of the article mentioned), some maintain that Nkundó means nkóló, "master." But what is the basis for this explanation? (2)

1. The word is Nkundó not Nkundu or Kundu. The assertion that the initial *n* is not part of the word, but is simply a nasal sound which must precede a consonant in the native sound system, shows a real lack of linguistic knowledge.

2. In contrast to the Batswá, the Nkundó and other groups are Baotó (sing. Bootó), meaning non-Batswá.

101 The explanation that I judge to be the most plausible is that Nkundó means "people of the interior." As a matter of fact, the name is almost always used in contrast to Eliñga, "riverain people," and sometimes in contrast to other groups. But the original meaning of the term was probably broadened through contact with other Negro groups and with Europeans; it may thus have become the more or less specific name of the group. Still it should be noted that if you ask a Ngombe whether his tribe is Eliñga, "riverain-fishermen," [7] he may answer you, "Among us there are Eliñgá and there are Nkundó." His reply would confirm our supposition. The word is thus a synonym of Nkondaka, which is found in several dialects at the equator. (1)

> 1. See my cited article, p. 19. I have also heard this term among the Lifumba. Nkondaka should be compared with the name Ekonda, and with *bokonda*, "forest on dry land," and with the verb *konda*, "to silt up, to be filled with alluvium, to become dry ground."

One often hears the Bombwanja contrasted with the Bokóté. In many cases Bokoté is a synonym for Nkundó, in the present-day meaning of the word. In his study of the Wangatá (*Revue Congolaise*, Vol. 1, 1910), Engels, who knew these peoples well since he was among other things administrator of the territory of Bokatola, already contrasted the Bombwanja and the Bokóté. It seems to me that this name is the true name of the people in question, or at least for a great portion of them. It has no other meaning in the language of the present day. Etymologically, however, it may be related to the verb *kóta*, "to grow old," or to another *kóta*, as in *kóta likambo* (elsewhere bótola), "to end a dispute by pronouncing a final judgment," *kóta lisoló*, "to have the last word in a discussion," *kóta esé*, "to ensure peace and order in the village," and in the verb derived from it, *kótela*, "to be competent, skillful."

Leaving aside the Mbólé, etc., as well as the tribes of the Lukenie [River], we can distinguish a number of different groups within the Nkundo-Móngo: the Nsongó (Mbonje), Elañgá, Bosaka, Bongandó, Boyéla, Ekonda, etc. Each of these contains a number of subdivisions or tribes.

We have excluded the majority of these groups from the scope
101 of our study and have confined ourselves to a territory limited as follows: it is bound in the north by the Ruki-Tshuapa; in the east by the Salonga as far as the Mbɔ́lɛ́ boundary; in the south by a line running from the junction of the Luilaka and the Lwɛ́le to the northern boundary of the Bombwanja of the Lokolɔ́ and then to the boundary of the Ekonda; in the west by the Boloko, a tributary of the Ruki. In other words, we are considering only a very small part of the territory of the Nkundɔ́ tribes. But [8] it is the only part we have been able to investigate thoroughly. We are including the Bombwanja and the Elíngá who have settled in the area thus outlined.

The Elíngá live only along the big rivers. In our area they
101 include in addition to the true Elíngá (of whom there are only about
563 ten clans belonging to the Bolɔ́ki group, who have settled between Ikɛ́ngɛ́ and Bokɛ́le and Mpakɔ́, and the four or five Eleku villages on the Salonga), the Nkɔ́le and Ekonda (1) villages who have adopted the way of life and customs of the Elíngá. (2)

As to the Bombwanja, their clans may be found scattered throughout the area. They are more or less dependent on clans of other peoples with whom they live and form hamlets of a sort in a great many villages. A solid bloc of them is to be found in the vicinity of Bokátola. It is constituted as an independent district [chefferie] even though, according to "custom," it "belongs" as a *julɛ́* (pl. *baulɛ́*), "subject," or "subjugated clan" (the verb is *uja*) to certain Bokɔ́tɛ́ villages or groups. (3) It is quite possible that these

1. Related respectively to the Nkɔ́le of the Lokolɔ́ and the Ekonda of Lake Leopold II.

2. See the data on the history and life of the Elíngá published by Father Boelaert, M.S.C., in *Congo*, 1935, Vol. 2, p. 705.

3. The same is true of the Bombwanja group of the Lokolɔ́. Other clans are scattered

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563 among the Elángá beyond the Tshuapa. All of them are beyond the scope of this study. The Bombwánja are divided into Basuné and Bonkoso, and the Boefidé are considered their bónankáná (sister's son).

Bombwanja were originally Mbólé, for certain words and idioms in their dialect are reminiscent of the Lombólé.

Let us briefly enumerate the other tribes -- "pure" Nkundó -- 101 who form the subject of this study:

619 1. The Injóló, "sister's son" (bonankáná) of the Ntómbá and the Bolénge who live beyond the Boloko. They are divided into three groups [9] -- Engónjó, Wesé, and Ngombe, (1) each of which comprises

1. West of their territory are to be found the remains of a group of former inhabitants of the area, whom the present inhabitants call Tompoko (or Basékà Bofáka l'Eléké) but who are completely unknown to me.

a subdistrict [sous-chefferie] for administrative purposes. A small segment is to be found outside the area under discussion, between the Boloko and Coq. (2)

2. The southern Injóló are often called Imoma.

2. The Boángí (and their subgroup, the Besombó), related to the Bokála of the Losanganya region. (3)

[114] 3. On the ethnographic map of the Belgian Congo prepared and published by Dr. J. Maes, the territory of the Boangi is marked with the name "Bokuala." There is no tribe or village by that name. Unless an insulting and humiliating nickname (bokwala, "slave") is involved, the name may result from an erroneous use of the name of the present chief of the Boangi, Bokwála.

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619 3. The Ionda, related to the Bonyanga living north of the Tshuapa.

4. The Wǎngatá-Ntómbá, of whom one group is settled near Igende at the junction of the Tshuapa and the Momboyo, and another on the Jwalé. Other parts of this tribe may be found near Coquilhatville (district [chefferie] of the "Tumba"), near Bokote (Ike̲ngo̲ district), and at the middle section of the Luilaka, between Waka and Bonkoto (Nkundê̲ngo̲lo̲, or Wafanya and "Tumba"). (4)

> 4. At the present time it is impossible to determine the exact relationship between the Ntómbá and the Wǎngatá. In general the latter are treated as a subdivision of the Ntómbá, together with the Inganda and the Ike̲ngo̲. Moreover, we do not know yet whether these Ntómbá are related to other tribes bearing the same name which are frequently encountered (on the Lopori, in the vicinity of Lake Tumba, and Lake Leopold II, among the Bakutu, etc.), or whether these are no more than groups bearing the same name. It should be noted that on the map previously mentioned, the Wǎngatá are placed much too far north; actually they are all to be found south of the Ruki.

5. The Bakáala, who seem to be more or less related to the Wǎngatá.

6. The Bonkoso.

7. The three sister tribes of the Bongíli, the Bombomba, and the Lifumba (the Beloko are a subtribe of the latter). [10]

8. The village of Bomǎngola, wedged in among the Lifumda. This village contains no more than thirty taxpayers but since it belongs to the Nso̲ngó, the oldest of all Nkundó-Mó̲ngo̲ groups, it is considered as a separate district. (1)

> 1. Their primacy has always been recognized and respected by the Lifumba.

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9. The Bongale. Three large villages belonging to this group are to be found in the territory under discussion. In order of their size they are: Bongale wǎ Botóló (among the Lifumba, between the Bonsómbé, Lolíma and Saási rivers), Bongale wǎ Ilinga (among the Bakáala, near Ikénge), and Bongale wǎ Bosongú (among the Bonkoso, near Bempumba). The difference between their rules of exogamy and those of the other tribes confirms the view that the Bongale are not true Nkundó. (2)
[563]

2. See Chapter V, Article III. There are several other small Bongale groups, but I do not know whether they are related to those mentioned above. Among them are those living near Bonyeka (Busira) among the Boángi (Bokála, Boénjola). They may be descended from different ancestors who all bore the name Ngale. The same name may indicate an identical origin, but it may also be derived from different individuals whose names were the same. This statement is generally applicable.

The tribes living between the Jwalé and the Boloko, with whom the Bolénge and the Ntómbá between the Congo and the Boloko are sometimes classified, are grouped under the general name of Ilángá by the Boángí, Injóló, and Elángá. (3)

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3. The Bokele tribe listed on the above-mentioned map does not exist. Could this error be due to an incorrect extension of the name of a Boloki village near Bokúma which is called Bokélé?

The Nkundó-Móngo came from the north or the northeast. (4)

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4. The following note may be of interest: The stories and songs of the Nkundó indicate a

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[825] recollection of an animal of the leopard family which they call bokonga. Their description of it corresponds to the lion. Some soldiers and other expatriates, who were also young people, shown representations of a lion immediately identified it with their bokonga.

The groups under discussion here lived for a time on the banks of the Luwo (Maringa) and the [11] upper Ikelemba, (1) then under pressure from other Móngo tribes, they crossed the Tshuapa-Ruki. They evicted the Ekonda and settled in their present location. This exodus must have taken place a fairly long time ago; it is impossible to determine the date and difficult to make any estimates. In any case it must have occurred 150 to 200 years ago.

244 These peoples are primarily farmers; they grow chiefly bananas, manioc, yams, colocasia [taro], sweet potatoes, sugar cane, and various vegetables and condiments. The food crops they grow, together with what they gather and the Elaeis palm trees provide them with a continuous and abundant food supply, as long as elephants do [231] not interfere. Their domestic animals include chickens, goats, and 224 dogs. (2) Hunting is a pleasant change of activity rather than an

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[173] 1. It appears that between the Ikelemba and its tributary the Losálifa, there is still a bonkom tree called w'ãmenga (of bald heads) under which, according to tradition, the ancestors held their councils. Nearby there is a bosáñ whose fruits never ripen.

[177] 2. Ducks have been introduced fairly recently, but they were known long before colonial times. They came from the south. Sheep have been introduced only in the last few decades, and they are found only in a few villages on the river banks in the lowlands.

224 absolute and inescapable necessity for those tribes who have Batswá, since the latter provide them with a certain amount of the necessary meat, though in insufficient quantity. The people hunt in groups and individually -- in the latter case primarily by means of traps. Fishing with nets is also very widespread, although various other methods are also known. The picking of fruit, caterpillars, mush-
222 rooms, vegetables, etc. continues to be popular.

Among trades, that of the smith is foremost. However, iron
463 casting has been abandoned at the present time. Copper is brought in from other peoples by tribes serving as intermediaries. Wood sculpture is rapidly disappearing. Basketry [12] remains popular.
[286] Weaving no longer exists at the present time; in fact, looms can no longer be found in the region.

The family is patriarchal and the political organization cor-
593x responds to it; there are only heads of families. Indeed, among the Nkúndó the family is the complete nucleus and foundation of the society. The result is a democratic and oligarchic government, but one very different from any we would call by that name in Europe.
554 Certain men become prominent because of their intelligence, their eloquence, their bravery, or their wealth, having great influence and often giving the appearance of chiefs whose authority extends beyond their own clan, but none of them has ever founded an empire. In the past the Bongɔli were the most courageous tribe, and the one most feared. Besides, their geographic location was in their favor, as they had the Lifumba and the Bombomba, two sister tribes, on each side of them.

[517] The artistic tastes of the Nkúndó are directed chiefly toward
538 music and the dance. Their oral literature is also very rich; it includes, for example, the epic of Nsongó and Lianja (1) and that

1. The most important portions of this epic have been translated and published by Father Boelaert, M.S.C., in Congo, 1934, Vol. 1, pp. 49 and 197.

of the tortoise.

771 In matters of religion the Nkundó recognize the existence of a Supreme Being: Njakomba or Mbombiándá, creator and ruler of all that exists. They do not worship him in any way, however; all their religious practices are addressed to guardian and ancestral spirits. (2)

> 2. On the subject of the religious conceptions of the Nkundó, see a detailed study by Father Boelaert, M.S.C., in Hooger Leven, 1934, pp. 1612 and 1636, and 1935, pp. 12 and 60.

197 The language of the Nkundó is beautiful, harmonious, flexible, and rich. It has all the qualities needed to become a literary language and is admirably suited to the requirements of teaching. Furthermore, its various dialects are spoken over a considerably large territory, in fact over one of the largest language areas [13] of the Congo. 797 214 In addition to the religious and devotional books of the Catholic missions, a fairly large collection of various academic textbooks is available in this language, thanks primarily to the zeal of the Protestant missionaries. The latter have also published a complete translation of the Bible. Several vocabularies and small grammars have been compiled, and in recent years a large dictionary and an expanded grammar have been added to these, both compiled by A. and L. Ruskin of the Bongandanga Mission. For several years the Protestant mission at Bolenge has been publishing a native magazine, and the Catholic mission is pushing ahead with preparations to publish one also.

114 Father Shebesta's book, Vollblutneger und Halbzwerge, includes a chapter on the Nkundó in which the author gives a good general description of this people. Nevertheless, some of the details given must be accepted with reservations.

121 The general information given above is enough to give the reader a superficial knowledge of the Nkundó.

The purpose of this work is to give a more extensive account of their institutions pertaining to marriage.

As we have previously stated, we are considering only a portion of this people. All our statements cover only the fraction we have delimited. The family institutions of other Nkundó groups are not accounted for, as they are less known to us and we do not want

121 to present anything we have not thoroughly investigated. We have not stepped outside the geographic limits set forth except for a few incidental remarks. Although the cultural uniformity of the Nkundó-Móngo is remarkable it is not, of course, absolute. And if we have used the title Mariage des Nkundó (Marriage among the Nkundu), we have done so because it was difficult to find one which would be more appropriate for the geographic and ethnic limits of [14] this study. It is very likely that in most cases our data are valid beyond the limits we have laid out, but to generalize upon it before making a thorough study of each group would be contrary to all scientific method. The reader is therefore earnestly requested to take these remarks into account and to abstain from giving our conclusions too broad a scope.

Familial institutions in themselves and in their totality are outside the scope of this book. But since they are based on marriage, they have an important place within our framework. We must necessarily touch upon them, but we will limit our excursions into that realm to what is required to make the general description intelligible. On the other hand, the study of marriage throws a good deal of light on familial institutions.

The words "family," "clan," "group," etc. recur frequently.
128 The family is an entity smaller than the clan, and the latter is sub-
596 ordinate to the group. Since it is very difficult to give a precise
614 definition, however, we have taken the trouble to make a clear distinction only when necessary. (1) [Editor's Note: Elsewhere we use them more as generic terms or even as synonyms. In order to make family relationships and the expressions used by the Nkundó to designate them more comprehensible, we are attaching an example of a genealogical table.]

113 I know of the following previous studies on the same subject:

Engels, "Les Wangata," Revue Congolaise, 1910, which also deals with marriage.

G. Kaptein, "Familieleven en -zeden bij de Inboorlingen van den Evenaar," Congo, 1922, Vol. 1, p. 531. [15] This study covers

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1. See Chapter V, Article III.

113 more ground than ours, since it even includes a discussion of the Mbole.

H. Brepoels, "Het Familiehoofd bij de Nkundó-Negers," *Congo*, 1930, Vol. 2, p. 332.

124 We have tried to make our data as complete as possible. We have given here not only the major trends and basic principles, but also the particulars, even those that seem most insignificant. They are always interesting, and sometimes more so than one may have suspected at first. All the material has been discussed over and over again, in private and in public, with very varied people at different times and places, and the points that presented the greatest difficulty were gone over countless times.

121 In general we have preferred to use the descriptive and analytic method. We have drawn conclusions and principles from the data. Although case histories naturally lengthened the text of this work, we have not hesitated to insert them at various points. They are the best means of bringing out certain rules or customs and bringing to life the psychology of our people.

121 69 In this respect a remark should be made whose importance deserves our attention for a moment. The examination of judicial cases of which we have been direct or indirect witnesses does not provide a scientific certainty about the laws -- or "the customs," to use the term so frequently applied (1). For not all [16] that is done

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1. It is unfortunate that this term has become so fashionable, for it lacks precision. Indeed, it may mean simply "practice, usage," or it may be used in the legal sense of "a practice having the force of a law." Often a confusion between the two meanings is created, and all customs are considered to be legally obligatory, when actually, some practices are outside common law, and others are in opposition to it. For the sake of precision in ethnographic and ethnological works, it would be well to use this ambiguous term as little as possible and to distinguish clearly among legal procedures, the laws and custom or usage.

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is in accordance with justice. The observation that the natives behave in one fashion or another, and that this or that palaver is often settled in a particular way, is not a sufficient basis for concluding that such is the law.

Infractions of the rules of social justice are more frequent than one would suspect. The principles are good, but often passions prevent their application, and frequently there are neither sanctions to support a weakness of will nor rewards to stimulate loyal adherence.

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Furthermore, one should not invoke the variability and continuous transformation of native law (as does Dr. T. Seitz, for example, in Africa, Vol. 3, No. 1, p. 89) without first establishing whether the judgments rendered have been in conformity with the law. The remark made by this eminent author further on in his article, "Welche Rolle dabei das Machtmoment," etc. . . . weakens his first statement and shows precisely that an accurate knowledge of legal prescriptions cannot be attained solely on the basis of the verdicts of tribunals, and that partiality often plays a considerable part. The observation made by the former governor of the Cameroons may be applied to the Belgian Congo and often to "civilized" countries as well -- partially and the abuse of power are nowhere unknown.

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We must also take into account the possibility of the judges' ignorance, as well as our own difficulty in understanding their sentences, since important points of fact and law are sometimes left unmentioned, and yet are implied.

It is not surprising that there are complicated cases where it is very difficult for the natives, however intelligent and impartial, to settle the dispute and provide a fair and legitimate solution. The law cannot foresee for every case the infinite variety of personal, local, and modal circumstances that may occur.

Only the analysis and comparison of diverse cases, [17] their solutions, sanctions, and consequences, together with discussions with discreet and impartial natives who are knowing and skillful and who have learned to know us and to understand what we want to learn from them, and who are sincerely disposed to help us at the same time, can produce a rational and reasoned certainty which conforms to reality. These conditions are numerous, and it is difficult to find them

121 all fulfilled in one person. But such individuals do exist, if in the
69 person of the investigator they find sympathy, broad ideas, a lack of
all European racism, understanding, a knowledge of their language,
and a benevolent devotion to their interests, individually and as a
group.

Even if one has the good fortune to find a native who, after
121 much experience, reaches the point where he will say spontaneously:
124 "This is done often, but it is against the law; the law says thus and
so; this decision of the tribunal was partial for such or such reason," --
an infinitely valuable situation, but one which arises very rarely --
one is not thereby absolved of the need to check his statements. But
the further one goes, the more it is possible to be aware of the reality
and to appraise the informant's value in this sphere and the usefulness
of his statements.

These considerations are particularly valuable in making the
121 distinction between obligations and social decorum or good manners,
183 between legal obligations and obligations of kinship and mutual
671 assistance. In current practice the Nkundó make no clear lines of
demarcation between these categories, since they have never codified
their law or attempted to set up a clear and precise classification.
They feel no more need for this than, for instance, they or even we
"civilized" people bother about setting up a grammar for our native
tongue, which we speak correctly and without the slightest difficulty,
purely out of habit.

An investigation in the legal domain is made [18] very difficult
[124] by the patriarchal and feudal character of these peoples, added
to the lack of writing. Not only is there an adaptation to circumstances --
the felicitous flexibility of native laws -- in which jurisprudence plays
a great role, but the Nkundó, while knowing well what is lawful and
what is not, generally does not clearly understand the nature of an
obligation, and above all he does not know its source.

One's chances of obtaining good results in the inquiry are
121 greatly increased by the use of hypothetical cases, presented to the
124 individuals one knows best and whom one knows to be in no way
involved. It is always worthwhile to use this method as a means of
completing and perhaps correcting conclusions based on the examination

12| of actual legal cases. It is almost impossible to gain access to the
124 latter unless one is armed with an official order. A thorough knowledge of the language of the tribe in question is required, however, for the use of imaginary cases.

In describing various laws and practices, we have tried to reproduce the explanations given by the Nkundó and to add our own views when it has seemed appropriate to do so. The careful reader will have no trouble distinguishing between these two very different sources.

I am very well aware that many ethnologists do not like
12| chercheurs de brousse [bush explorers] to become involved in these questions, and that they prefer to receive from the latter only raw data on which they can build their theories. All ethnographers of the bush and forest will readily recognize their inadequacy in matters of theory. But this very real disadvantage due to a lack of training is offset by a definite advantage. They know the natives much more intimately, not only with respect to the immediate subject of their study, but also as regards other aspects of their lives, particularly their psychological make-up and general mentality, with which they may have had direct and daily contact for many years. [19] They are therefore more likely to come to conclusions which are in accordance with reality. The "armchair" ethnologists sometimes seem to assume that the men in the bush are capable of being no more than collectors of data. Yet the majority of them have had an intermediate education, especially in the humanities, and many of them have attended institutions of higher learning (universities and others). There are professional jurists among them, for example. Therefore, these observers are capable of reliable judgments, and many of them, through their studies in philosophy, are equipped with the rules of logic and highly developed critical powers.

It is true that it is not up to us to build theories; the range of our investigations is always limited. A knowledge of theories is very interesting and useful, but it is by no means necessary. In fact such knowledge may sometimes be dangerous, since it is easy for it to unduly influence our judgment in a way that is against the best interests of science. Thus we do not care whether our facts are in

121 conformity or in opposition to this or that ethnological theory. We are presenting the facts in their entirety, the material portion of the culture as well as its intellectual, psychological, and moral basis. Theory should be based on these facts, not the facts adapted to suit the theories.

In the text of this work the reader will find repetitions, foot-
121 notes, and references. We would have preferred to omit these,
114 since they are always tedious, but their presence was dictated by the nature of the material and by the strictly scientific nature of this work, which we wanted to retain at all costs. We hope in fact that those who wish to study it thoroughly will find these repetitions not an obstacle, but a valuable aid which will help them to obtain a total and precise picture of the material.

Although I have taken the greatest care and all possible precautions to present to the reader only facts and evidence which correspond to reality, and to document [20] everything as completely as possible, this work will inevitably contain gaps, imperfections, even one mistake or another. (1)

> 1. This is especially true with regard to the legal significance of certain practices, a most delicate point of inquiry, which has yet to be thoroughly investigated -- particularly, certain questions concerning the origin of marriage in its various forms.

This material is not exempt from such faults, and it would be pure presumption to pretend otherwise. But science could not advance, nor could the practical purpose of our knowledge ever be accomplished, should we try to achieve the perfection that can be the result only of successive studies by different people, before presenting the results of our research to the public. I would be gratified if others would check my data, criticize it, and supplement and correct it wherever necessary. I hope that this work will also stimulate them to make a similar study of the other segments of the Nkundó-Mongo so that at last we may have a total picture of the matrimonial institutions of this very important people.

114 I should like to express one more wish relevant to this subject. A number of studies by civil servants and government agents, containing a good deal of ethnographic data on various subjects, lie in bales in the bureaus of the Congo, waiting for the day when they will serve as fodder for ever-hungry termites. Would it not be possible to make these documents -- at least the better ones -- available to the public? Even if they contain gaps and errors, they will be gratefully received. They will lead other researchers to explore these questions thoroughly, and through emulation, criticism, and discussion, we will develop an increasing and more accurate knowledge of the natives, [21] their history, their way of life, their laws, their customs, and their mentality, which will be of great benefit for all colonial work.

Some of the terms used in one or another part of this study may appear too coarse. I would rather have avoided them, but I would have had to use veiled expressions and circumlocutions which would have adversely affected the clarity of this work and therefore its value, for it is intended for a purely scientific purpose. I trust the indulgent reader will therefore excuse their presence.

124 Here and there case histories are given in full. I believe
that the details are not without interest, since they give a living
picture of the mentality of our people. Most of the incidents were
[114] collected in the vicinity of Flandria, the area with which I am most
familiar. Here and there I have taken the liberty of passing judgment
and of recommending solutions to certain problems. I should like to
say that in these cases I am expressing opinions which are purely personal.

000 The map appended to this work makes it possible for the reader to find a tribe or village which is under discussion and shows its geographic position amidst the groups that comprise the Móngo-Nkundó people.

I wish to express my sincere gratitude to all those who have in some way contributed to this work: His Excellency Monsignor Ed. Van Goethem, our venerable vicar apostolic, who gave me permission to carry it out and always encouraged me in my research, understanding fully its practical value for a sensible adaptation which will enable us to establish the Church on a firm foundation; my colleagues, Father Trigalet and Father Wauters, as well as Brother Brants, who took upon

000 themselves a large portion of our joint labor, leaving me with leisure to pursue this work; all the natives who have had confidence in me and have assisted me with their valuable evidence and explanations, among them Bakutu Bonifasi, Ali Ntefeji, Mpetsi, Esal'ey'olaka, [22] Ikanya, Bolongo Lokolo, B. Ekamba, Bosembu, Piosi Isia, and countless others all of whom I cannot mention, for the list would become too long.

I am deeply indebted to the Honorary Attorney General, Mr. A. Sohier. This eminent jurist was kind enough to look over the entire manuscript and to point out obscure or ambiguous passages and indicate places that called for added explanations or revisions in the text. Thus he has made a great contribution toward the final form of this work, and a good part of its merit is due to him. [23]

Chapter I

Preliminaries and Generalities

581 Marriage is comprised of a sexual aspect, an element of attachment or affection, and a utilitarian element. Only exceptionally is a union based on but one of these. This is true not only of marital unions, but also of extramarital relationships which are not transitory.

This law, which can be considered general and universal, holds true also for the Nkundó. Before embarking on a detailed study of marriage among these people, it would therefore be useful to see what form these aspects take among them.

Let us begin with the utilitarian aspects, which can be dealt with in brief. From that angle, the Nkundó's wife is to him the person who will attend to the satisfaction of his daily needs with respect to nourishment (cooking and farming) keep his hut clean and orderly, and raise his children. Thus, for him, she is a housewife and mother.

Cases of marriage for political or economic reasons occur, but they are the exceptions, so that we can leave them out of consideration.

581 Moral qualities are often involved in the choice of a wife. But strictly speaking, the marriage is not one of reason; the cause of it is more likely to be affection.

The affective and sexual aspects of the question require longer discussion.

Therefore this chapter is divided into two parts:

I. The emotional life
II. The sexual life of the Nkundó [24]

Part 1

The Emotional Life of the Nkundó

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[Editor's Note: The Nkundó are capable of real affection. That affection takes varying forms and attains different degrees according to the nature of the persons in question. In successive articles, we will treat:

I. Affection among relatives
II. A special form of the latter: the creation of a Bolúmbú
III. Friendship
IV. Love between husband and wife]

Article I. Affection among Relatives

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602 The Nkundó feel a deep affection toward members of their kin group. I am of the opinion that they love them as much, if not more, than most Europeans, but are not capable of as great a devotion. To understand this condition, one need only consider that affection is instinctive. Our people say: botéma nd'ikoma, "the heart is like a package," that is to say, it does not choose the object of its love, but rather the object presents itself spontaneously. (1) Devotion on the

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1. Or lolango ale nsembe éy'otéma, "love is an innate, spontaneous product of the heart."

152 602 other hand almost always involves reasoning and is founded on a high morality based on religion. Furthermore, the questions (of property, inheritance, etc.) which so often divide relatives from each other do not exist among the Nkundó, whose patrimony is held in common. [25] Among them the members of a family need each other absolutely and constantly; they cannot sustain the struggle for existence unless they remain well united. A man isolated from his kin is a pariah, for in all matters of importance he must count on them for help, protection, and defense. Therefore he is, so to speak, forced to make common cause with the rest of the family and to keep his proper place within it.

This may help us to understand that among these people there are fewer reasons for a cooling of family affections and more reasons for maintaining good relations. But it would be wrong to attribute their love to some kind of egoistic calculation. Their affection is sincere and spontaneous. But the above facts explain why the dis- [578] unity and quarrels which are so frequent in Europe are unknown among the Nkundó; they are settled at once and do not have time to become bitter or deeply rooted. A very rare exception does not invalidate this generalization.

1. Parents and children

593 x Parents sincerely love their children. Their affection is not lessened with age; there is only a somewhat greater tenderness toward the very young, whom they readily carry and fondle. The indulgence which they show for the faults of their offspring is tempered by anger when they are exasperated by misbehaviour, more often than by a rational concern for the child's training. The spouse who has not suffered from the child's error does not react against him but on the contrary is led by his affection to protect him. Parents insistently try to excuse and defend their children when they have misbehaved. (1)

(1). It should be noted that the same thing may also frequently be done among many Europeans.

Nevertheless, the general good of the clan wins out over affection.

593x [882] If the whole family [26] suffers through the misbehaviour of adolescents, the latter will not be spared by the father. But the mother will often take their sides for, not belonging to her husband's family, she allows only her heart to speak. The familial-political organization of this people requires that fondness have its limits; otherwise it could lead to disorder and anarchy.

593x 855 It cannot be said of Nkundó parents, as one often reads about other peoples of the Congo, that they do not care for their children, who are self-sufficient and obliged to provide for their own needs from the age of six or seven. Our people are always feeding and even coddling their children; even when the latter are married they are always well received in their parents' home and lavishly treated. It is quite true that the young people spend much time in the forest looking for various kinds of food, but that is part of their games and amusements, a phase of their education, and at the same time their contribution to the maintenance of the household (a contribution which cannot be omitted from any serious education, and it is regrettable that it should be omitted by so many European families. (1)

1. Education will be dealt with more extensively in Chapter X, Article VIII.

593x 581 In the matter of marriage parents generally respect the feelings of their children. A father who is motivated by avarice and, above all, by the need for a certain sum of money or its equivalent, may sometimes let the voice of self-interest predominate over that of the heart.

It goes without saying that one may encounter aberrations of fatherly feeling, but such cases are exceedingly rare. (2)

2. For an example see Chapter II, Article XI, 3, B.

593x Though parents love their children without distinction and without consideration of their faults, vices, etc., they are not exempt from a certain amount of partiality; a particular child [27] will

595 receive more attention, will get his way more readily -- as among ourselves. These preferences do not give rise to jealousy among brothers as long as they remain within the limits of fairness, which they almost always do.

[556] Some rich men who have a dominant social rank have a means of expressing their preference for one of their daughters, a means which is a demonstration of their wealth and at the same time an assertion of their position. This practice will be described in the article that follows.

The children for their part sincerely love their parents. This love is composed more of respect for the father and of more tenderness for the mother, as is the case among Europeans. The same variants of sentiment, depending on whether the child is a boy or girl, are to be found among the Nkundó. The children may be remiss in their dutiful affection and respect, but these are exceptions due to thoughtlessness, stubbornness, or sudden anger. (1) Here one does
[152] not encounter the deep discord that among Europeans divides parents and children, nor the coarseness and brutality of which one reads quite often in our newspapers. Among the Nkundó these family dramas are unknown.

[155] Nevertheless, what we have said above does not exclude disobedience. The Nkundó child, too, prefers play to work and freedom to discipline. He tries to shun the commands of his parents which tie him down and keep him from frolicking with his companions. (2)

Love for the mother is especially deep. No matter how old a Nkundó may be, his feelings of tenderness for her do not decrease; he always remains her child. Whenever he feels pain, disappointment, or sorrow, one word is on his lips: ngóya, "mother." Among these

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1. For an example see Chapter X, Article VIII.

2. One of the first words learned by a Nkundó child is mbói, "I don't want to."

593ˣ people the innate feeling which links mother and children retains all its original spontaneity. [28]

593ˣ 152 Nkundó parents and children do not give each other any special external signs of affection, however, as do some other peoples.

At death the sincerity of affection between parents and children is plainly visible. Their moving anguish comes to the surface noisily and often pathetically. Even older men are not ashamed to weep like children. What we have said is in no way altered by the fact that the light-heartedness of their character makes it easy for them to shift from one emotion to another. (Actually, the same thing may be noted in Europe.) (1)

1. See my article on the funeral customs of the Nkundó which is to appear in Anthropos.

2. Brothers and sisters

From the love that Nkundó children feel for their parents naturally springs their affection for their brothers and sisters, which is strong and sincere. Our remarks concerning the nature and qualities of the children's feeling toward their parents are applicable here. Such quarrels as occur seldom become bitter. On the one hand, the affection between brothers and sisters is deep and sincere, and on the other, their social and economic interdependence naturally reinforces the ties between them.

Mutual assistance is an outgrowth of their love; brothers and sisters often help each other.

After the death of his father and uncles, the eldest brother is the natural defender and protector of his younger brothers and his sisters, even though they may be married.

593ˣ 595 152 A definite difference can be observed between the intensity of affection present among uterine brothers and sisters and the sentiments shared with others. The bonds between children of the same mother are much more intimate and their affection much greater than it is toward brothers and sisters who have different mothers. This too is entirely [29] in accordance with the universal qualities of human nature and shows that monogamy is superior to polygamy in bringing about the unity, harmony, and happiness of families.

593 x 152 With reference to signs of affection, grief at the time of death, etc., the observations made for parent-child relationships hold true here -- mutatis mutandis.

3. Various relatives

602 The Nkundo's affection extends toward all members of his family, that is, all those with whom he feels linked by blood and common origin. These relatives are much greater in number than in Europe, because Nkundó kinship includes many more generations. The intensity of affection decreases with the distance of the degree of kinship. But the Nkundó knows and feels that he belongs to a large family, and he remains attached to all its members. He can find a home with any of them. This accounts for the fact that in the centers, men from the same village will look for each other and consider each other "brothers." Actually, that is what they are, since in general each village consists of only a single kin group. [621]

Although here, as in the case of brothers and sisters, common interests play a part in maintaining bonds between family members, the feelings of affection are not based on selfish considerations. The latter only reinforce these feelings, which are truly innate among the Nkundó. Among the various relatives the strongest attachments are developed between grandparents and grandchildren, uncles and aunts and nephews and nieces, male cousins and female cousins, etc.

603 Among the Nkundó as among Europeans there is a very strong affection between grandparents and grandsons, even greater, one might say, than between parents and children (the expression is: bǒna [30] l'onkánɛ́, ndekɛ́ nd'ɔ̂nkánɛ́). But the relationship degenerates into compliance and weakness on one side, and into disrespectful carelessness on the other.

604 A Nkundó loves his paternal uncles and aunts and treats them like "fathers," and his maternal uncles and aunts like "mothers." Naturally, his feelings toward them are not as affectionate as for his parents, but they are an extension of these in an attenuated form.

605 The same situation holds true for the bonds which link him to his cousins, whom he calls "brothers" and "sisters." The children of his paternal aunt are his "fathers," however.

Article II. The Bolɔ́mbɔ́

562 556 178 In the old days, if an extremely rich man wanted to show his affection for one of his daughters and show off his wealth, he made that daughter *bolɔ́mbɔ́*. Today this custom has almost completely disappeared. (1) It has been almost impossible to maintain the practice because of a greater distribution of wealth and the reduction of leisure due to the work imposed by the white man. This work has been imposed directly in the form of forced labor, labor on roads, economic projects, etc., or indirectly because a sum had to be raised for the payment of taxes. All this has made it more difficult to bring large numbers of people together for ceremonies lasting days and weeks. (2) Nevertheless, the custom must be described here.

562 556 [602] When a native wanted his favorite daughter to become *bolɔ́mbɔ́*, he had first to obtain the consent and financial support of all his kin. Then enormous preparations were made, for everything had to be special -- beverages, various foods, dances. On the date which had been set and made known through messengers to the entire region, an enormous crowd gathered at his house. Public festivities went on day after day. In an address suited to the occasion, he announced to those assembled his intention to set his daughter up as a *bolɔ́mbɔ́*. Two relatives or two of the father's wives then stripped off the girl's

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1. On the left bank of the Luilaka it disappeared a good many years ago. The Injóló still followed it until quite recently.

2. One might suppose that the new uses of wealth made possible by economic development would have contributed to the disappearance of this custom. Theoretically such might have been the case, but in fact these developments were not involved in the change that has been noted.

562 556 clothing and dressed her in valuable furs, especially in part of the pelt of a striped antelope called mpangɔ́. In some villages she was permitted to wear leopardskin in front as well as in back.

Then the father would decree (-bɛ́kya) that since his daughter [582] had become bolɔ́mbɔ́ she would always wear furs and would stop working, and that she would be given in marriage only to a very rich and influential man, not to the first comer. Therefore, a synonym for bolɔ́mbɔ́ is bɔ̌na ɓâ boɛ́ko, "child of the decree, a child set apart, forbidden."

This ceremony may be held regardless of the child's age, at any time between three years and adolescence.

When the ceremony is ended the girl withdraws (-ulama, transitive -uja) into a hut specially prepared for this occasion, which is called ileke. Her seclusion lasts only a few months. When certain natural needs oblige her to leave the house, she goes out the back way through the banana grove and hides as much of herself as possible under a mat. She does not walk on the bare ground; her feet must not [285] touch the earth. That is why mats are spread everywhere she steps. She does no work; her food is prepared by her mother, sister, aunt, etc., or by a slave. When it comes to her toilette, she washes her hands not in water, but in palm oil. [32] All these practices are marks of respect and honor.

When the period of seclusion is ended, the girl's father gives a second feast, with dances, drinks, etc., and the bolɔ́mbɔ́ comes out walking on mats. But there is no further ceremony. From then on the girl is no different from other girls. But she retains the sign of her distinction, the wearing of furs, and she does no housework.

[582] [558] The marriage of a bolɔ́mbɔ́ always occurred very late, since a man who wanted to take her for his wife had to collect a good deal of wealth before he could take the risk of asking for her hand. Should his attempt prove fruitless, he was exposed to ridicule in the whole region.

184 556 562 582 Among the tribes living on the left bank of the Luilaka any man who was rich and of good family could ask for the hand of a bolɔ́mbɔ́ in marriage. Among the Injɔ́lɔ́, on the other hand, the requirements were more complicated. The suitor had to belong to another tribe or group. For instance, a girl who belonged to the

194 Engónjó group would be given only to a man from the Wesé, the
556 Ngọmbẹ, or a neighboring tribe, but never to an Engónjó. All the
562 Engónjó considered the bolúmbú their sister. Thus when the future hus-
582 band went to the family of the bolúmbú to ask for her hand, every village barred his way by means of a fence. All the bride price valuables which he carried with him were taken from him, and an equivalent amount in various kinds of goods, such as hens, ducks, dogs, mats, etc., was substituted for it. That is, he exchanged bride price valuables for nkomi valuables [dowry]. (1) The suitor could pass only when the village that barred his way had nothing left with which to continue the exchange. If he found his riches exhausted, he had to go back home to replenish the supply. Everything he gave in this [33] fashion was counted as bride price, jěngí (1) and everything he received was part of the nkomi [dowry]. (2)

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582 It is understandable that under these conditions asking to marry a bolúmbú was a luxury that the common man could not afford. The suitor had to belong to a rich and influential family all of whose members would assist him.

When the suitor finally succeeded in clearing a passage to the father of the chosen one with sufficient treasures, the latter put no further obstacles in his way. As for the girl, she felt exceedingly honored and delighted that a man loved her so much that he would go to so much trouble and spend such a vast amount out of affection for her.

As for the rest of the proceedings, the bride price payment was made in the same way as for any other marriage. But when the

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1. See Chapter II, Article VII.

1. See Chapter II, Article VIII.

2. See Chapter II, Article VII.

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582 bride-to-be was introduced to her bridegroom, she walked toward him across a row of mats. A feast was organized to celebrate this important and joyous event. Dances accompanied with a flow of beer went on for weeks, sometimes for a whole month.

[431] The father gave his son-in-law a great many nkomɛ́ (3) objects

3. See Chapter II, Article VII.

so that the bolɔ́mbɔ́ often became yěngaende or at least lifayǎnjoku. (4)

4. See Chapter VII, Article IV.

He did not allow his daughter to leave without giving her at least one ebɛ́sa to wait on her. (5) Thus when Bolángɛ́ w'Ioma of Lokɔ́ndola

5. See Chapter VII, Article III.

(Injɔ́lo, Ngombe) married Bonjɛ́ngɔ́, daughter of Ilɔ́njɔ́ y'Ôkákema of Bompɔ́ma (Injɔ́lɔ́, Engɔ́njɔ́) (who died in 1934), the bride received from her father four bibɛ́sa to do the work, as well as a young cousin who was to stay with her [34] to bring her firewood. In this way the father made sure that his beloved daughter would retain her honorable position as a great lady.

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562 The husband, who wanted his wife to retain her superior status, now makes her his bolɔ́mbɔ́ as well. (1) The term was: Bɔ́n'ɔ̌w'olɔ́mbɔ́

1. See Chapter VII, Article III. That is, unless she is his first wife. See ibid. and Article I.

átswá ɔ́ wǎlɛ́ ɔ́w'olɔ́mbɔ́ ɛ́k'ɔ̌me. He would say to those assembled: "Her father proclaimed her bolɔ́mbɔ́, and I proclaim her bolɔ́mbɔ́ as well (Is'ɛ́káɛ́ ɔ̂ɛ́kvákɛ́, emí mpɛ́ njɔ̂ɛ́kya â ng' ɔ́kɔ́)."

What was the reason for the existence of this custom?

556 According to the natives it was a public assertion of the father's high
562 social position and at the same time the greatest token of affection he could bestow on his daughter; the two things were inseparable. Not every native had the right to make his daughter a *bolɔ́mbɔ́*. On the contrary, he had to hold an especially prominent rank, that is to say, he had to be a wealthy, influential, and powerful head of a family. All the ceremonies, practices, and rules involved in this institution point in that direction. A comparison with the *bolɔ́mbɔ́* wife (1) leads additional plausibility to this explanation.

556 As we have said, this custom is in the process of disappearing
562 completely. In certain tribes such as the Beloko, subtribe of the
178 Lifumba, a substitute has actually been introduced. The favored daughter is dressed and adorned as before, except that European materials have replaced the furs. But the public character of the older institution has disappeared. The occasion is not surrounded with so many ceremonies. Finally, the girl is not called *bolɔ́mbɔ́*, for a new name has been invented; it is *bondelɔ́ɔ́ngola*, "the white man raises (educates) her." [35]

Article III. Friendship

572 Friendship is not unknown to the Nkundó. It is founded on the same basis as in Europe. I have seen more than one instance of true mutual affection between persons who were in no way related. Among the Blacks with whom I have associated there are some whom I personally consider sincere friends and who have shown me real affection, helped me to the full extent of their powers, and shown me complete confidence. There have even been some who have not been afraid to place themselves in serious difficulties and who have gone so far as to incriminate themselves in order to clear me, thereby exposing themselves to troubles and sanctions.

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1. See Chapter VII, Article III. Unless she is his first wife. See *ibid*, and Article I.

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[201] Friends seldom or never give signs of their affection, apart from gifts and mutual assistance. Men are seldom seen embracing, although women do so frequently.

The Nkundó are familiar with friendship pacts (called boseka or, among the Bombwanja, likandeko) (1). Two persons of the same sex are bound to one another in friendship (kota boseka or likandeko)
[431] in the presence of a witness (ndonga), whose duty it is to deliver the gifts that are exchanged.

1. Bofilf among the Ekonda, mbale among the Batswa.

The conclusion of a friendship agreement is actually a custom of the women; men -- usually the husbands -- create friendship bonds only secondarily, in imitation of their wives. This pact is not automatically hereditary; the children may continue it -- through the same ndonga as their fathers -- but they are free to let it lapse. (2)

2. See also a special reason for friendship pacts in Chapter IV, Article I.

Two elements may be distinguished in the friendship pact: congeniality or affection and mutual assistance. The latter is in itself a sign of friendship, but it is not infrequently the sole reason for the pact among men who seek reciprocal support by this means. [36] As for the women, it may be said, on the contrary, that gifts are considered purely as tokens of affection and their bonds are based exclusively on affection. Often women who are very fond of each other do not bind themselves in a friendship pact but are content to show their affection in all simplicity. Men also may be very good friends without having recourse to a pact. But the conclusion of an agreement makes their relationship public and thus protects it against deleterious influences such as misunderstandings, disagreements, outbursts of anger, etc. One might say that the pact represents the addition of the element of reason to the element of emotion.

572 Unlike the affection among relatives, friendships cool and even end. This is especially true for pacts based purely on mutual assistance. Thus, if one of the friends is somewhat too stingy in comparison to the other, a rupture quickly results.

[561] The Nkundó also have especially affectionate feelings for their "age mates" (bonɛ́ngɔ, pl. banɛ́ngɔ), that is, for all those who were born the same day, week, month, or period as they. They feel united by special ties. Among themselves age mates consider and treat each other as brothers, help and assist each other, etc.

Their affection is natural; the sort of selfishness that may be found among "friends" is not present among age mates.

Their relationship is so close that if the occasion arises, they lend each other their wives. (1)

1. See Chapter VI, Article VIII, 1.

[551] Lastly, individuals bearing the same name (ndoí, pl. bandoí) show real affection toward each other; they help each other and exchange gifts. They make no pact as do the boseka, however.

It should be noted that these various bonds do not exist between persons of opposite sexes, among whom they would be condemned as concubinage. [37]

Article IV. Conjugal Love

583x The question has often been asked: how about love among these peoples? Do husbands and wives really love each other? We are not speaking here of sexual passion, which is generally present in addition to love between man and woman, but which in itself is clearly distinct from it. Love is the result of various emotions -- congeniality, affection, mutual appreciation, admiration, devotion, etc., and we judge the perfection of love according to the presence or absence of any one of these elements and their degree.

The question is by its very nature a very delicate one to answer. Actually, it is difficult to observe and analyze clear and precise facts pertaining to the subject. Our notion of it must of

593x necessity be derived from a logical conclusion based on a great many particular instances. Yet these might have explanations other than those we give them. Thus we could attribute the presence of true love or its absence to the effects of causes of which we are unaware. Nevertheless, we cannot keep from presenting below a few facts which will enable us to draw a conclusion that is adequately in accordance with reality.

There is no question that the love found here lacks the purity which it has among certain groups of Europeans or certain other peoples, [181] especially good Christians. No one is astonished that pagan peoples, practicing their atavistic and degrading customs, have not achieved the general delicacy of sentiment or more especially the moral height of so noble a virtue as has been nourished and developed by centuries of Christian influence.

In addition, the instability of marriage, the possibility of its dissolution, and the presence of polygamy by no means tend to develop the purity of love; on the contrary, they tend to debase it. Finally, [38] the liveliness and sincerity of family affections, which we have described in Article I, naturally result in a reduction of conjugal love -- all the more so since, because of the patriarchal structure of native society, the Nkundô needs his kin more than he needs his wife.

Thus there is much selfishness, which is one of the characteristic signs of moral decadence and little devotion. A wife will seldom remain with a husband who suffers from an incurable illness, is impotent, or has become too poor for her taste. The Nkundô consider this the natural state of affairs and are not at all ashamed to admit it, even in front of a missionary.

593x
598x The same is true of a husband's relationship to his wife. If she has become incapable of fulfilling at least one of the purposes for which he married her, why should he keep her? If she has given him sons, they will want to keep their mother, and their entreaties combined, perhaps, with a feeling of compassion for one he has loved, might persuade him to keep her. Her sons will provide for her subsistence to which their father will make a contribution from time to time, and her daughters will take care of her and prepare her food. But some men will insist on getting rid of this burden in spite of

593x 586x everything. But they only succeed if they have no sons old enough to defend their mother. Differences in behavior are due to the character of the persons involved. (1)

1. See Chapter VIII, Article I.

797 593 159 Only religion can bring about a radical change in this domain. We are still far from our goal, but a few serious Christians have already begun to adapt to the requirements of a higher morality and to deal with their wives in conformity with the sanctity of marriage though he or she may be ill. Yet it is more difficult for them to do this than for the others, since this same morality forbids [39] polygamy and all other means of satisfying passion.

An admirable case is that of Bekau Marie, daughter of Esalɛ́ D'Iɛ́mbo (Bonkoso). Her husband, Bo̱ko̱mbeembe Pierre of Mbalɛ́, suffered from leprosy for many years. He could no more perform the sexual act than do any real work. His wife therefore had to support herself with the help of her son. In spite of her freedom, her separation from her native village, and the ill feelings borne her by her husband's family, she did not want to leave him but decided that she would continue to devote herself to him. (1)

1. Her action is due only in part to Christian influence. That is why this case belongs here to the exclusion of some others I could describe, which are due solely to the influence of Christian morality upon the souls of the individuals.

593x 578 If there is a dispute between her family and her husband, it is hard to know in advance which side the wife will take. Similarly, if difficulties arise between the husband's family and his wife, he can take either his wife's side or that of his relatives. It is all a matter of individual temperament. Some people spontaneously lend support to their families; others on the contrary take sides with their wives. A woman or a man who without good reason habitually takes

593x sides with his family against his wife does not have the approval of
578 those who judge the conflict simply as neutral spectators. In such a case it is usually felt that the couple do not love each other very much. And often the marriage soon breaks up. But if the union is maintained nevertheless, its continuation is generally attributed to a fear of the consequences of dissolving the marriage, which would be even worse. The same sort of variation among individuals is to be found in the matter of a wife's devotion to the interests of her husband's family.

593x It is not possible to compare a native household to the
596 households of good simple people at home, where [40] the family is composed solely of parents and their children. Here it extends further; the husband's interests are also those of his parents, brothers, uncles, etc. As we will see in connection with marriage by inheritance it is not unusual for a woman to remain attached to her deceased husband's family. Others are more interested in enriching their own families.

593x The following is a historical instance of a wife who was very
159 devoted to her husband's interests, though there seemed to be room
579 in her make-up for pride and personal glory. (1): Bolɔ́mbɔ́ wǎ nsɔ́njí, daughter of Bo̲ko̲mbe̲ of Litɔ́li (Bombwanja), was married to Bo̲nye̲me̲ w'ɛ̌nyukɛ́ of Bonganda (Bonkoso). One day (her father having died in the meantime) she went back to visit her brother, Bo̲mpe̲lí w'ě̲lo̲mbo̲, who had left Litɔ́li to settle in his maternal village, Etɔ́o of the Boɛ́ndɛ́. They began to quarrel. Bo̲mpe̲lí maintained that Bo̲nye̲me̲ wasn't worth much, that his wealth was exaggerated, that it was a mistake to honor him, etc. Bolɔ́mbɔ́

1. According to my estimates, this episode is about a hundred years old. I knew two men who had recollections of it: the eldest (Longwokɔ́ of the Basɛ́kɛ́ Bengɔ́ngɔ́, Bongíli) was about twenty years old when it occurred. A greatgranddaughter of Bo̲nye̲me̲ (Mputɔ́ Sofie) is now in her forties.

593 defended her husband. Finally, since they could not agree, Bompelɛ
159 ordered his sister not to return to her husband, so that she could be
579 married to another man. For he had decided to test the valor of Bonyeme by making war on him, and she could not see her husband taken prisoner by her own brother. Nevertheless, Bolámbá remained determined and departed in haste. When she reached her husband she told him everything. In the meantime all the Boéndé and other Bombwanja clans were taking up arms. Enyuká, for his part, passed the news on to all Bonkoso villages, as well as their relatives by marriage, dependents, and Batswá. The various groups of combatants stationed themselves near the village of Bonganda in what is today the forest of [41] Boóngónjou, between the Lomeké and the present location of Besombó, Lofelɛ, and Engónjó. The Boéndé army was taken unawares by the Bonkoso, who attacked and after furious combat routed them, leaving a number of dead on the field. Bonyeme proposed a peace. He took pride in not being surpassed in generosity. With a truly princely munificence he was not satisfied with only paying all the clans who had lost members but in addition sent Bompelɛ all that the latter needed in order to compensate Bombwanja groups for the loss of their members and, on top of this, brought him a whole fortune to complete Bolámbá's bride price.

589 The Nkundó are well acquainted with cases of widows who,
587 having reached middle age, take a solemn oath not to remarry or ever go near a man again. Among the stronger sex such cases are almost nonexistent. Cases of women who, when sick and dying wanted to remain near their husbands, cited later (Chap. VI, Art. II, 4) should be noted here, as well as preferences for monogamy (Chap. VII, Art. VI, VII).

581 Bearing in mind the explanation given at the outset, I think I
593 can state that most marriages contracted by the Nkundó are love matches. Marriage for political reasons or for certain material advantages have certainly existed. And especially at the present time, there are parents who push their children into marriage for the sake of financial or social gains.

Our conclusions may not be accepted by a number of colonials. Yet I feel they are valid in the limited sense indicated here. Arguments

593x against the presence of love are based chiefly on the instability of
581 unions, the high frequency of divorce, infidelity, and polygamy --
objections which we shall examine in somewhat greater detail.

To judge the situation properly, we must first distinguish
593x between the sexes, which are not at all alike in this respect. Fur-
562 thermore, among women [42] we must distinguish between those
who are wives of polygamous men and those who are not.

Let us speak first of all of the men. They seem superior to
the opposite sex in the matter of conjugal love, at least if we base
our conclusions on their greater fidelity. Divorce is almost always
[586] caused by the wife. As a matter of fact, this is quite natural. The
man marries at a fairly mature age and therefore becomes involved
when he is well aware of what he is doing, while the girl most often
becomes engaged before the age of discretion and is thus unable to
choose according to her own heart.

On the other hand, the polygamous man's heart must be divided.
595x As we will see suo loco, he has a special love for one of his wives.
His love for the first one deepens, becomes more rational, more deliberate, whereas his love for his favorite would seem to be more a matter of emotion in the strict sense of the word. As to the others, he has usually chosen them of his own will and perhaps has even seduced them to the point of making them leave a previous husband. It would therefore seem unfair to deny the presence of some affection toward them.

562 But is the term "love" still applicable? According to the
593x European point of view, conjugal love is exclusive. Among the
152 Nkundó this does not seem to be the case. It has often been said
595x that the polygamist considers his wives, with one or two exceptions,
as human capital, so many production machines. I would not deny that the harem constitutes human capital and a source of wealth, but in my opinion such a statement is much too extreme and absolute. In most cases a real affection for his wives must be attributed to the polygamist. I understand this affection to be a kind of love in reduced proportions. And I compare this situation -- mutatis mutandis -- to that of someone who loves several friends at the same time. It is

593x 562 595x 152 possible to speak of love toward several individuals in spite of differences in its intensity, depending on the various persons who [43] are its objects, although we may consider such a divided love as very imperfect. But whatever name one calls it and however weak in intensity one finds it, it is impossible to deny its existence.

595x 152 Among women, it is necessary to distinguish between wives of monogamous men and those of polygamists, especially in the case of "supplementary" wives. It is not hard to understand that among the latter, love is more likely to cool. Since the husband must divide his attentions and signs of affection, if only to preserve harmony, the situation could hardly be otherwise, even without the fact of very early marriages. In addition to the above-mentioned case of the cooling of affection among wives in polygamous marriages, there is no question that in these marriages, a community of souls, feelings, and interests is not established between wives and husbands to the same extent as in monogamous marriages. However, one could not state as a general rule that the wife of a polygamist does not love him, at least to some extent, depending on the individual. To maintain à priori that a man cannot be loved simultaneously by several women is logically inadmissible and contrary to the facts. Here it happens quite often that a wife leaves her polygamous husband for another because she has transferred her love to the latter. It is for the exceptions that proof should be required. Even if there are many of them, they do not invalidate the cases of real affection.

When a polygamist returns home after a long absence, he is often the object of affectionate demonstrations by his wives which are surprising to Europeans. The women fall at his feet, embrace his legs, roll on the ground, and perform contortions out of joy and emotion. It is true that the freedom resulting from colonization has done much to cool these fine sentiments.

Is it beside the point to quote the saying of [44] polygamists' [539] wives: bokungɔ́ ɛ́kafola bitáfɛ́, lolango ɛ́kafola botɛ́ma, "the bokungɔ́ tree divides its branches, love divides the heart"? And then there is the following fable which teaches true love: a polygamist who has three wives, is accidentally wounded and lies dying on the opposite side of the river. His wives run to the shore but find no canoe. The river is infested with crocodiles. The chief wives refuse to risk their

595x lives by swimming across; it is the least important one who throws
152 herself in the midst of the dangers to go and help her husband.

In most cases a woman no longer feels affection for her husband when she has given her heart to a lover. She stays with him because it would be hard to do otherwise. Her husband continues to have the use of her body and her arms, but she no longer gives him a place in her heart. As this proverb so subtly expresses it:
[539] bǒm'akwěta, ḿbw'â nkánge; bonsámb'ákwěta, omeka é ńtegume, "the husband calls you, 'I am sick and may die'; the lover calls you, 'I will try to come.'"

595X
586x The objection concerning the frequency of divorce is difficult to handle because the question is very complicated. First of all, the fact that a couple remains together, that they remain faithful to one another, is no proof of love in a society where the idea of duty is very strong. A Christian woman may come to feel a real aversion for an unfaithful husband, yet she may remain with him out of a sense of duty, out of love for the children, etc. Conversely, in a society where the idea of duty is relaxed or does not exist spouses may readily be unfaithful to one another, although basically they love each other; if it is easy to divorce they will do so rashly, for trivial reasons, without realizing that there is still love between them. (1)

1. The Honorary Attorney General A. Sohier has informed me that the experiences of his long judiciary carreer entirely confirms my statements. Their truth is reflected in the fact that for some years now in European countries, it has been necessary to permit divorced couples to remarry each other. Thus we see that they find each other again after several years of separation.

The first of my two assertions is not to be found among the Nkundó, [45] since they have no moral concept of duty in our sense. But it sometimes happens that a couple who no longer love each other remain together because it is not possible for them to separate.

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586x The first part of my second assertion applies to the Nkundó, as will be apparent in the course of this description. But the second part does not, for Nkundó law and practice does not allow divorce for trivial reasons; rather the procedure involves so many particular stipulations and conditions that their fulfillment becomes quite difficult (see Chapter VIII).

Other facts should be noted. Statistics for European peoples of the present time should be closely examined and reflected upon, and conclusions should be drawn. How many divorces, broken marriages, and dramas of misconduct appear here! Nevertheless, it is impossible to conclude that there was no love among the individuals who later found themselves in these unhappy situations. It is very likely that they were married out of true love and with the best intentions. But in the course of circumstances they have allowed their love to cool. The moral framework of their lives was not strong enough to hold them back. Their surroundings often accelerate, rather than check, their fall. Social authority does not counteract the destructive tendencies, or at least not enough. If in addition inner forces of resistance are lacking, the passions triumph and finally destroy their love.

Things are no different among the Nkundó. It is only fair to take these facts into account in making comparisons, rather than passing judgment _in abstracto_. It is too easy to lose sight of these considerations, simple though they are. Especially when dealing [46] with a people so different from ourselves, we are often inclined _a priori_ to consider them inferior from every point of view and in all areas, often without being aware that we are doing so.

To arrive at a reliable conclusion based on positive evidence, we would have to have complete and precise statistics. But these are lacking. Therefore, the only thing we can say is that, side by side with many women who no longer live with their first husbands, there are others whose first marriages continue until death.

Yet here again we must take care not to draw hasty conclusions. We should only consider the cases of people already dead. In addition we must exclude broken engagements from our count and include only marriages that have been legitimately contracted in the strict sense of the word -- that is, including only women for whom at least the _walo_ has been paid. Furthermore, for our present purposes, we can

595x 586x only consider the marriages of adult individuals through the nkumbó, that is to say, unions that are truly and perfectly voluntary on both sides. Finally, we should exclude those wives of polygamists who prefer monogamy and have taken advantage of an opportunity to break their unions in order to enter into a marriage contract with a bachelor. It seems to me that when these reasonable considerations and restrictions are taken into account, the figures established will not argue against the stability of Nkundó marriages to the extent that one might have thought at first. Or at least that is my impression, derived from the many cases that have come to my attention and that it has been my duty to investigate thoroughly in the course of my ministry as a priest.

The 112 marriages recorded in our last two books at Flandria can be broken down as follows (1): 18 widows, (2) 6 inherited wives, [47] 1 replacement, 3 cases of women who had broken marriages entered into before puberty, 29 wives of polygamists, 18 divorced wives of monogamous men, and 37 first marriages. If we exclude the replacement, the marriages of children and of former wives of polygamists, but include widows and women who are inherited, we arrive at 37 + 18 + 6 = 61 persons for whom their present marriage is still their first, as against 18 clear-cut cases of divorce.

[797] Nevertheless, it should be noted that these figures are based on only a tiny minority of the population and on that part which, from our point of view, may be considered the best, because these people are willing to submit to the yoke of Christian morality. In addition these people are in their prime, and it is impossible to say whether later on they will persevere in these good inclinations. But in any case these instances show that faithfulness to a promise can, and in fact does, exist among the Nkundó.

595x 837 Without a doubt one of the most beautiful aspects of love in general, and marital love in particular, is conjugal faithfulness. As will be shown in detail in Chapter VI, Article VII, 2, the Nkundó do

1. I am excluding the 14 Batswa cases.

2. As against widows who are inherited.

595 not appreciate marital fidelity the same way we do. A wife's un-
837 faithfulness is severely punished by the laws. But adultery may be discovered and known to all without causing shame or remorse. This is a marked difference between our way of thinking and that of the Nkundó. They maintain that a passing infidelity which is not followed through does not denote an absence of love for one's spouse, even if it is repeated. In spite of the implausibility of this statement, I had to accept it, for those who argued with me were so many, their positions so various, and they were really serious. Among them were a number of Christians with whom we are very satisfied and who conduct themselves admirably, as do their wives. They consider these errors to be momentary failings [48] due to passion, which permit love to remain. Indeed, often these men and women are models in the performance of their other duties. This misbehaviour is without doubt considered very serious -- their anger shows clearly that they do not consider it trivial -- but it does not exclude love and thus, as far as everything else is concerned, the spouses continue giving proof of it to each other.

Let us not forget that many elements may lead to a fall and that consciences may go far astray. On the other hand, the fact that a husband is tolerant, even to the point of exploiting his wife, does not exclude a certain love for her; a husband may be extremely indulgent and at the same time jealous to the point of crime. All that may be found among the Whites, after all. Love without the feeling of duty will not suffice to sustain a union.

Moreover, there is no dogma, no moral teaching based on religion, to restrain the instincts. And we should add that among these
[562] primitive people, the woman's natural tendency to please, to submit to a man's desires, is highly developed. In Europe these feelings are channeled by the Christian religion and its influence on society. Here they encounter no direct obstacle except for sanctions. Before marriage
[836] sexual passion and all sensations connected with it and adjunct to it can be pursued without physical, moral, or social obstacles, at least at the present time. The surroundings in which a girl grows up and the example and conversations of her companions will tend even to push her in that direction.

595x 837 548 Finally, let us not forget the spirit of gain and greed. Except in a few instances, a woman expects remuneration from a man to whom she has surrendered her body. Many infidelities may be explained by this practice, at least at the present time. But on the other hand, it should be noted that the woman's demand for a "wage" from her lover may be explained by an amorous concern; by giving the woman a gift or an amount of money the man shows [49] his regard for her; it is a demonstration of his affection for her, and the woman wants to be paid in order to be sure of her lover's love. That is not to say that such instances are common or frequent, but such a feeling is natural and actually exists in more than one case. (1)

1. See Chapter VI, Article VII, 2.

It is not surprising that the woman who lives in circumstances which are always unfavorable to chastity and marital fidelity is easily led to adultery and often falls. That is the basis of the proverb: [599] *bǒmoto ndé lofolókó, nkó ngonda ěfá'nd'ósengámé*, "the woman is a chrysalis; there is no forest where she does not hang" -- a clear condemnation of the frivolity of the daughters of Eve in the land of the Nkundó. Nevertheless, these moral criticisms in the form of proverbs can be accepted only in a general way and must be understood *cum grano salis*; they leave the door wide open for exceptions.

595x 152 In his *Blancs et Noirs au Congo Belge* [Whites and Blacks in the Belgian Congo], (p. 38), Jadot has written: "The Bantu is capable of love . . . and that is all, and his wife -- no matter what has been said -- of a certain amount of marital fidelity. In general, neither the one nor the other go too far. Platonism, Petrarchism, and Romanticism are foreign to the love of the natives . . . I know . . . of cases of fierce jealousy and of beautiful faithfulness." (2)

2. See also *ibid.*, p. 208 ff.

152 We conclude that love exists among the Nkundó. This feeling is subjected to harsh attacks and is affected by many unfavorable circumstances, which may account for its imperfection and for certain

152 anomalies in its manifestations. The objections raised against the idea of its existence among the Nkundó do not prove its absence; rather they indicate the adverse conditions under which it is found, conditions which prevent its development and bring about its shortcomings or destruction. [50]

Part 2

000

The Sexual Life of the Nkundó

In this section we will examine successively:

I. The feeling of sexual modesty.
II. Preparation for sexual life.
III. Prostitution.
IV. Premarital sexuality.
V. Sexual practice.
VI. Unnatural vices.
VII. Incest
VIII. Love philtres.

Article I. Sexual Modesty

Sexual modesty is defined, at least by modern psychologists, more or less as a "a sensitive dynamism (or principle of action) of fear which is quasi-instinctive and directly related to sexual processes." (1)

1. J. De La Vaissière, S.J., La Pudeur instinctive [Instinctive Modesty], p. 13.

It is a good instinct rather than a virtue, and facilitates the practice of chastity. Understood in this sense, modesty tends to hide the sex act and anything that is closely or remotely connected with it.

Sensual excesses do not exclude the existence of modesty and, conversely, a modest person may allow himself to be led into a violation of morals. Nevertheless, the greater the development and

000 delicacy of a person's sexual modesty, the better that person is armed -- all other things [51] being equal -- against the excesses of passion. The habits of lust, on the other hand, dull and weaken the sense of modesty.

On the basis of these psychological and moral considerations as well as the facts of experience, it is impossible to say that a people is lacking in modesty simply because of the fact that they clearly have sensual tendencies and show a good deal of lasciviousness.

834 Among the Nkundó one should not expect the delicate sentiments found among some other peoples, especially those strongly influenced by Christian morality. But modesty is not unknown to them.

In the lines to follow we will say nothing more about the instinct of sexual modesty, which I think has been to a great extent blunted among the Nkundó, but of modesty in manner, which is an indication of inner modesty. The comparatively strict rules by which the Nkundó community tries to protect modesty shows that these people are fully aware of the value of that instinct as a safeguard against human weakness.

In general they hide the manifestations of sexual passion. In addition, certain practices which they favor show their attitude toward this matter; we will examine them in greater detail. It should be noted that, as we will see below, modesty among the Nkundó extends to situations where we would not consider it applicable, and vice versa, because of differences in the attitude toward certain questions.

Ethnologists in general consider the following among the chief effects (or indications) of modesty: the wearing of clothing (1) and the existence of regulations concerning the decency and [52] discretion which in word or deed should be observed between persons of the same sex and, more especially, toward persons of the opposite sex.

1. Although the wearing of clothing is a precaution arising from modesty, it has been asserted that the lack of garments is no proof of the lack of this sentiment.

1. Clothing. Nudity.

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855 Until he has reached the age of discretion and even a little later, the Nkundó child wears nothing more around his loins than a belt of beads or a plain string usually adorned with some amulet. Nobody is shocked by this rudimentary attire. Parents take great interest in the adornment of their children; from a very early age [301] they are seen wearing belts of trading beads, bracelets, rings around the ankles made of iron, copper, or brass, and in addition, at the present time, glass beads above the knees.

291 As the child grows older the clothing increases. From the outset there are differences on the basis of sex.

The boy acquires a thin strip of cloth which is attached to his string or belt simply by folding back the two ends. The cloth falls between his legs without being tight, allowing for great freedom of movement and the circulation of air; this is an excellent precaution against perspiration due to extreme heat, but it is not very effective protection against indiscreet looks, at least in certain positions. The fabric made of raffia may be decorated to a greater or a lesser extent. In former times there existed different kinds, which we need not describe here. The length of the hanging borders is dictated by vanity. The string was often replaced by a raffia belt or -- among prominent men -- by a leather thong.

The woman's garment consists of a broad raffia belt whose two ends are gradually narrowed, ending in cords which are tied on the [53] stomach. In the center of this belt (nkásá (1) a ball of raffia fibers is attached (bonkoko). A piece of cloth (efufa or lofufa) whose width may vary from 3 centimeters to 20 centimeters or more, depending on the age and the wearer's intensity of the feeling of modesty, is attached to the cords and falls more or less low on the body. For a [292] feast or display the efufa is replaced with a more valuable and longer [184] piece of cloth (intóló or, among the Elángá of Losanganya, ifika).

1. Or bokangá, bokangá wá nkásá. Among the Bombwanja it is called likóngâ.

291 The nkásá is unknown beyond the Jwalé and the Luilaka. In that re-
184 gion the women tie a string (or a belt of beads) around themselves and
attach a second piece of cloth to it.

291 Thus the male garment is a rudimentary sort of shorts, open on the sides, while female dress is much more open. In general the efufa is an appropriate protection of one's modesty, but it is inadequate in certain positions. (2)

[611]
[196] 2. It may be interesting to note that etóo nsamányá, or just plain etóo, which is the term for a man's garment, also indicates the male line of descent, while the female line is often designated by the term nkásá (sometimes by the word jwǒmoto derived from bǒmoto, "woman"). Let us add that lonkundó jwǎ nkásá means "pure, flawless Lonkundo, not corrupted by foreign influences." This expression should be compared with the following phrases: langue maternel, moedertaal, "mother tongue," etc.

291 At present the nkásá is no longer worn except by a few elderly
177 inhabitants of villages far from the main communication lines. Everywhere else the ancient mode of dress has been replaced by materials imported from Europe. The women wear at least a sangatúmbo, a kind of short skirt which falls from their loins at least to the middle of their thighs if not further. Middle-aged men in the interior have simply changed the material of their garment but not its form. The younger ones, on the contrary, have frankly adopted the European mode of dress.

291 A married woman is not allowed to enter the village of her rela-
581 tives by marriage (bakiló) or appear before them [54] without supple-
[[illegible]] menting her usual attire with one or more beleleke (banana leaves cut
[857] into fringes). The term bakiló must be understood as it is meant by
the Nkundó; it excludes those with whom the wife may sometimes perform the sexual act and who are called "husbands" broadly speaking.

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581 speaking. (1) Is this custom in some way related to modesty? The

1. See Chapter VI, Article VI.

[606] same question may be raised with respect to another strict rule of decorum which forbids a man to look his mother-in-law in the face. (2)

2. For details concerning this custom, see Chapter VI, Article V, 1.

It can readily be answered in the affirmative. (3)

3. Nevertheless, see Chapter X, Article II, 3.

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516 The rule of decorum which forbids a man to sit down on a seat where a woman is seated who is not his wife seems to me also to be dictated by sexual modesty. On the other hand, stepping over the seat under such circumstances has nothing whatever to do with this feeling. The purpose of this practice is to enable the person seated (regardless of sex) to avoid the evil repercussions of a charm or magic spell in his or her possession. (4)

4. Contrary to the explanation given by Jadot in Blancs et Noirs au Congo Belge (Whites and Blacks in the Belgian Congo], p. 90.

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834 Is the native ashamed to show his nakedness? Let us beware of answering this question in general terms. In order to have an idea of the situation which is sufficiently clear and precise, various cases and circumstances must be taken into account.

1) First of all it can be stated that in the normal course of daily living the Nkundó, men as well as women, do all they can to hide their genital organs. That is to say that basically they are

291 embarrassed by the glances of others. This feeling extends even to
834 other parts of the body which, irrespective of the degree of culture
they have reached, most peoples try to cover. [55]

2) Between persons of the same sex and age a certain freedom
834 514 is permitted. This may be observed especially among young boys
when they have to urinate. In our countries of Europe the situation is
no different. I must say, however, that I have only noticed this
freedom in the schools and never in the villages of the interior. Is
there a gap in my observations, or should this laxity in the schools be
attributed to the influence of the law of least effort (the suitable
places in the schools are at some distance) and to the lack of leisure
available to the pupils given the shortness of recreation periods on
the one hand and their love of play on the other? It is also possible
that among these boys modesty has barely made its appearance, since
this feeling is strongly linked to the sexual instinct and awakens only
with the latter. It would also seem that living in a group tends to
reduce the power of modesty.

3) It is obvious that sexual excitement runs counter to modesty
834 832 and that sometimes -- especially among young people -- immodest
acts may be used to arouse another person, especially in situations,
such as bathing, which lend themselves easily to such actions.

4) Bathers, whether washing or swimming, are very careless,
515 834 especially when they are in a group of their own sex and age. In
former times no doubt they did not indulge in the luxury of even a
rudimentary bathing costume. But at the present time it is not at all
difficult for them to obtain the small piece of cloth needed for that
purpose. Nevertheless, nude bathing in rivers and streams is a common
practice. It is far more frequent among women than among
men. The natives with whom I have discussed the subject attribute
this fact to levity and a lack of concern; but they see nothing very
wrong in it. Whether or not [56] the bathers are in a group also
seems to make a difference. If you surprise one or two people under
such circumstances, they will hide in haste. If, on the other hand,
you find a dozen, they will not move; on the contrary, they will
interrupt their toilette to watch you pass. Perhaps they are simply
unconcerned about their nakedness. But it is also possible that they

575 834 are reassured by the fact that they are in a group, so that no one feels singled out by the gaze of the passer-by. Washing away from major streams is always surrounded by more propriety. For this purpose a [343] small enclosure (ikomba) is built behind the hut or among the banana trees, or a small thicket is allowed to grow there. By this means the native is sheltered from indiscreet glances if he wants to take a [757] bath or give himself an enema. As a matter of fact these things are done preferably after dark.

834 152 5) Violent anger or sorrow drown out modesty, just as they momentarily destroy the use of reason and suppress all feelings which are contradictory or simply different. In this situation, too, the man shows himself superior to the woman. He is less impulsive, calmer, less prone to lose control of his actions, to be carried away by his anger. Thus he almost never strips himself bare. The woman, on the other hand, readily strips off all her clothing. This behavior is extremely common; a woman undresses completely whenever she experiences great sorrow or intense anger. Luckily for propriety's sake some friend or relative always hastens to cover at least the essential parts. For a woman who throws off her clothing exposes herself to the mockery and jeers of spectators. (1)

[593]x
[578]

1. An angry woman may also undress to shame her husband; it is a way of insulting and mocking him.

833 6) The Nkundó practice sexual intercourse only at night. I believe that this custom is due to their sense of propriety, [57] supplemented by a superstitious explanation which will be described in detail in Article V.

593x 834 7) The sense of modesty has its fullest expression in relation to parents, brothers, sisters, etc. Thus it is unheard of that a son should see his mother naked: bǒna átẽnáká ěsunví nvangó. If an adult daughter is ill and requires personal care (such as an enema, for example), the father has to take care of her himself if no other female relative is near by. But their sense of modesty is such that they both shed tears over the event. As a matter of fact this situation

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834 arises but rarely. Furthermore, if a daughter is required to perform similar duties for her father, she will undertake this obligation only [539] with the lament: njôy'ɔ́ɛna ɛ̌kɔ́ 'm wímáká, "I have come to see where I had my origin." Any woman who has been in that position will later know no oath more sacred than this one: la botaká wǎ fafá bɔ̌kɔ́ 'm wɛ̌náká la mpaka, "by my father's nakedness which I saw when he was old."

834 291 Thus we can draw the conclusion that the Nkundó are offended by nakedness and as a rule do not tolerate it. The exceptions do not invalidate this generalization; on the contrary, they tend to support it.

2. Speech. Obscenities and propriety.

521 831 In general the Nkundó see nothing wrong with using obscene expressions. They only describe them as "bad" if they become indecent.

195 If a conversation touches on matters of sex, they may wonder whether a particular topic is necessary, interesting, or entertaining; they will not ask themselves whether it is moral. For it will be apparent throughout this study they have no concept of morality strictly speaking.

The Nkundó possesses a varied and extensive list of obscene words -- nor is he alone in this respect. [58] We are not compiling a dictionary, and therefore we will not list them. What interests us are the circumstances that make these words indecent and under which a proper use of them impossible. The circumstances provide us with a criterion of the degree of obscenity of a word or expression. Let us say at once that we include in this category not only terms applied to organs and phenomena which are of a sexual nature strictly speaking, but also words pertaining to certain anatomical parts or physiological functions such as, for example, excretion, hair and tattooing found on private parts, and the female garment called efufa. We [184] should also point out that some tribes will consider expressions obscene which do not shock others at all.

521 831 195 which do not shock others at all. (1)

1. These comments are applicable also to peoples in other parts of the world.

[554] The general rule of decorum among the Nkundó permits the use of such terms only among equals. Their use when speaking to inferiors is tolerated but not approved of. The use of obscenities when speaking to any strangers meets with definite disapproval. Among persons of different sexes the prohibition is particularly strict.

Nevertheless, the use of these expressions is judged less severely if they are uttered in a moment of anger or as a reprimand, even in the presence of a member of the opposite sex.

Exclamations of anger, vexation, and sorrow are often nothing but obscenities (2). No one is shocked by them in such situations.

2. See "Les Coutumes Funéraires" [Funeral Customs], No. 1, to be published in Anthropos.

Some elderly or more modest persons do not make use of them, however; if the habit of using a particular expression is thoroughly ingrained, they may make a slight change in its pronounciation (as is common for some of our "swear words").

195 831 514 521 576 To circumvent the difficulties caused by the need to use certain words frequently, [59] euphemisms are coined to take their place. Thus the Nkundó say: ńtswá bokako w'ákuna, "I am going behind the house," to indicate that they are going to urinate, and njótsw'ɛ̂sendó, "I am going for small pieces of firewood," or njótsw'ótɛ́na lokásá, "I am going to pick a leaf," meaning that they are going to the toilet. On the way they say: ńjeta felé, "I am leaving the path" or "I am going to the forest." A husband is permitted to use accurate terminology when speaking to his wife, but it is considered very improper for her to do so in speaking to him.

514 576 When someone is satisfying a natural need, others keep a distance away from him; they will not even speak to him. Moreover, the person would not reply even if he were called. A woman will not

574 576 even answer her husband, but he may indicate his presence by coughing lightly.

574 576 578 831 Any infraction of these rules is considered a grave insult. A person offended in this manner may seek revenge by violent means, either personally or through the medium of his son, brother, etc. According to native justice he will always be in the right, even if the quarrel becomes bloody. The simple act of uttering obscenities while passing in front of a house in which there is someone who is entitled to the speaker's respect may result in reprisals by the latter. (1)

1. See Jadot, *Blancs et Noirs au Congo belge* [Whites and Blacks in the Belgian Congo], p. 90.

578 834 Crude language is especially reprehensible and wounding if it contains allusions to incest or other reflections on a relative whom the speaker wants to insult. And it must be admitted that such expressions may go beyond the limits (for example: *coi cum patre, matre, fratre, sorore*, etc.). In connection with this topic it should be noted that reference is always made to a relative of the opposite sex to that of the person who is directly or indirectly being addressed. Furthermore, licentious talk and the use of indecorous language are more severely condemned when they take place in the presence of [554] women and old people [60] or are said by a slave in front of his master, by a Bo̲twa in front of a Bootó (1).

1. See Introduction, footnote 2, p. 4.

578 684 834 If a man catches anyone uttering obscenities in front of his wife, especially if they are addressed to her personally, he can start action in adultery proceedings. If the woman refuses to listen to the seducer, she will not answer him, or sometimes, annoyed at the insult, she may retort by insulting his mother. She can complain, but generally she does not do so. Is she ashamed, or is she afraid that the tempter might make public some excess in her conduct which he has discovered? In any case a woman is more sensitive than a man to the

578 shame of obscenities. They say: blekɛ́ mónvi éâ bitóli ñ'kómoto.
684 Bómoto ndé ndota (itɛ́lɛ́) "A woman is a ndota snake. Just as that
834 reptile twists through the grass and rolls up as soon as it sees a man approaching, so a woman finds it difficult to endure any obscenity."

The ideal way to be sure whether an expression is actually considered indecent is to check whether it may be used in the presence of a close relative, for a Nkundó never utters an obscenity in front of such a person.

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834 Among the Nkundó, as in Europe, certain indelicate exclamations are so deeply rooted that they seem to have lost their original meaning, that is, most of the population no longer thinks of it at all. That a few more serious and modest individuals are still aware of it is apparent from the way they change the pronounciation of the terms in question.

Licentious expressions are never considered indecent and shock no one when they are uttered in a group or during group activities. [571] Such activities include communal fishing and hunting expeditions, [61] drinking parties, dances, funerals, and -- at the present time -- communal work on a road, a resthouse, etc.

Thus we see that in these matters there is a remarkable discretion side by side with a certain degree of tolerance, which may be carried quite far. Licentious remarks are not condemned in themselves, but only because of fortuitous circumstances, so we see that the Nkundó do not consider them from a moral point of view, as we do, but from a social one. But the fact that those are precisely the words which can become indecent and socially bad shows that the native sees in their content something shocking, shameful, some quality likely to give offense. The freedom exercised in certain cases does not alter this general conclusion but simply gives evidence of he inclinations of a passionate nature.

3. Dances

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Nkundó dances change periodically, as is the fashion in Europe. Old dances are given up after a time and are replaced by others which are newly invented or recently introduced. The dances fashionable at the present time came from the Bosongó, who are by

535 far the most inventive tribe. All the dances have two distinguishable
parts: the dance strictly speaking and the finale or ikɔ́eyo. The
latter consists of acrobatic exhibitions or a theatrical performance.
It varies with each performance and sometimes goes beyond the limits
of decency, especially in certain scenes of the women's dances. Here
everything depends on the attitude of the actors and spectators.

The words sung are usually proper. Passages that may be less
535 786 [533] so occur only exceptionally. The exclamations of some of the male
or female dancers, but mostly those of the audience when the intensity
of the performance reaches a climax, are somewhat less innocent.
Thus this climax [62] is the weak spot morally speaking. This is true
especially of the dances performed by the women who, led on by their
passion and encouraged by the cheering and applause of the spectators,
make provocative movements (bitɛ́kɔ́, bembɔ́njo). A European will
see nothing wrong, but the native knows the gestures and their meaning.
The spectators then applaud with even greater enthusiasm,
either because of sexual feelings or out of aesthetic enjoyment, for
to them these movements are beautiful. All the artistic dances for
women which are the fashion at the present time contain a similar
phase of exaggerated excitement. It is therefore understandable that
in the past the elders strictly forbade children and adolescents to attend
these dances.

After what has just been said, no one will be astonished to
[584] hear that these great dances are often the cause of adultery and divorce.
And to a limited extent the same can be said for the men's dances,
for masculine beauty is exhibited in an enticing manner.

533 The rhythmic motions which sometimes accompany singing
535 during drinking parties cannot really be called dances; nothing
shocking is implied by them and the words of the songs are seldom
improper. Salacious songs are rarely sung in the course of daily
living, but they are never omitted from funeral ceremonies.

535 Up to now we have spoken of artistic dances, which are always
[illegible] very popular. They were -- and are -- reserved for certain special
occasions. For ordinary circumstances the Nkundɔ́ have a few little
entertaining dances which have nothing at all in common with the
dance as such. They are more like games. The lyrics of the songs

535 may be ribald, but this occurs rather rarely. However, at the present
177 time, they are often actually obscene -- especially since "European-
831 style" dancing has been introduced, and more particularly in the centers, small and large, and among those who have come under [63] its influence. This kind of dancing for amusement is chiefly practiced by young people.

To the credit of morality it should be noted that mixed dancing is unknown to strictly native ways. It occurs in the centers (in the form of the mixed *bofenya* or the *balinga*, grotesque imitations of European dances) but is spreading -- and rapidly -- to the villages of the interior. The second variety especially raises havoc, for it has a deleterious influence on morality. It has been the cause of a number of cases of adultery, divorce, palavers, and quarrels, and has been forbidden by certain chiefs and headmen, who would like to be able to severely punish anyone who dances it.

Conclusion

834 The data presented in the foregoing section forces us to conclude that sexual modesty does exist among the Nkundó. The wearing of clothing, the various prohibitions, the attitude of the older and wiser members of the community show that they experience this feeling. It is the same here as elsewhere. In certain areas it is even carried to an extreme. The exceptions should be attributed to individual deviations; and because of the reactions they provoke, they even provide conclusive evidence. The general laxity which may be observed on some special occasions does not provide material for a serious objection against the existence of modesty. Yet it is difficult to determine the reason for such an attitude which seems to contradict the rest of our data. Should it be interpreted as a yielding to human weakness, or seen as a weakening of public morality? Or is it not rather because these special circumstances make an unfavorable interpretation of such actions impossible? An allusion made in public, in a group, [64] does not have the same significance as that same allusion may have between two people, where it implies a suspicious intimacy.

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178 It goes without saying that the feeling of sexual modesty and its various manifestations among these people are being transformed by two different currents. On the one hand, their moral laxity is increased by their contact with all sorts of other peoples, by a greater freedom, by the partial emancipation of women, and by the attraction of the large centers and their luxury. On the other hand, there is the preaching of Christian morality, although its effects are still very slight and certainly do not counterbalance the influences mentioned above.

Article II. Preparation for Sexual Life

1. The Woman's preparation

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When a girl wishes to indulge in pleasures of the flesh, she prepares her sexual organs in advance. The preparation itself consists of "opening the way" (*lifola mbɔ́ka*). This operation, which is repeated several times, is performed in hiding, preferably in the forest. The girl may or may not have companions with her who share her intentions. Each girl operates on herself. In order to gradually enlarge the organ, a girl uses progressively thicker shoots of the [824] *bosɛ́nga* or *bokaakɔ́* plant (*Costus afer*), making sure first to remove the tip. Later these shoots are replaced by the *lombɔ́lɛ́* fruit of the *bosɔ̌mbɔ́* plant (*Aframomum*) or, more infrequently, by a young manioc tuber.

This is the general practice; exceptions are few or nonexistent. It is followed because the girls want the event to which they aspire to occur without difficulty (*bɛ́lota bɛ́fɔ́v'ɔ̌keela*).

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515 In addition to this basic preparation, girls [65] also wash the private parts of their bodies. This is a cleanliness measure which they continue to practice save in exceptional cases for the rest of their lives. According to my informants, the native woman -- as a very general rule -- stresses this cleanliness as much for herself as for the sake of not repelling her husband or lover. When a girl begins to practice this personal hygiene, it is a sign that she wants to begin her sexual life.

856 864 During a girl's early childhood beginning when she is still nursing, a mother with foresight will work to make her organs as perfect as possible. By applying pressure repeatedly and for long periods, she molds, so to speak, the outside in order to make it narrow, as this quality is greatly valued by our people.

It is the mother, too, who trains the girl in her preparations for married life. She teaches her how to behave toward her future husband, and at the same time instructs her in the duties of a good housewife (see Chapter X, Article VIII).

836 864 Certain forms of behavior, although their relationship to our subject is only superficial and external, must nevertheless be mentioned. An adult man will often take in his arms a little girl who has not yet been weaned, or perhaps only slightly more developed. He considers this child to be his wife. He has paid no bride price for her. But since she is a sister, cousin, or other relative of one of his wives, she is a "wife" from his point of view; that is, not only will it be possible for him to marry her later on, but even without becoming her husband he will enjoy a certain liberty in relation to her. (1) Thus, when such a man takes his young "wife" in his arms, he is enjoying an anticipation of the future and speaks to her [66] in that sense, often accompanying his words with intimate caresses.

The same practice, mutatis mutandis, may be observed on the part of a woman toward a small boy whom she can consider as her "husband."

304 582 2. Circumcision

Circumcision is generally practiced. It is usually performed at an early age. Without going into the details at this point (1) or

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1. See Chapter VI, Article V, 2.

1. They will be found in Chapter X, Article VII.

304 wishing to commit myself on the reason for this custom, it is a fact
582 that a Nkundó woman will refuse to marry a man who has not been circumcised. Consequently, all the natives want to undergo this operation. That is the reply given by the natives when we asked about the reason for circumcision. When we pushed the inquiry further, they added that the women abhor the deposits that form under the foreskin. I mention this explanation for what it's worth. Nevertheless, this may really be the reason that impels them.

In any case circumcision would seem to have no religious or initiatory significance.

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3. Tattooing

Two kinds of tattoos exist among the Nkundó: purely ornamental tattoos and sexual tattoos. (2) The latter are to be found only on women. The [67] designs are located on portions of the body surrounding the sex organs and even on the outside of the latter.

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2. I will not discuss tribal tattoos because these do not seem to exist among the Nkundó. The reasons for tattooing vary from people to people and from group to group. It is for this reason that they are a distinctive mark. But that does not mean that such is their purpose. The distinctions apparent among the tattoos of various tribes are not an objective but a consequence, as are, for example, the variations among national costumes in Europe. Moreover, the contacts of our people in peace or war have extended by and large only to neighboring clans or tribes, who use the same type of ornamentation as they did. And in these encounters dialect differences serve as a much better means of identification.

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What brings the Nkundó to practice this second form of tattooing? First of all the following considerations must be taken into account: since a woman is by nature more eager than the man to appear beautiful, it seems altogether appropriate that her tattoos should be more abundant, more elaborate than the man's And since coquetry is a form of the desire to appeal to the opposite sex and since members of the latter are susceptible to it, the tattoos attract them. Therefore, too, the women's tattoos have been most elaborated on those parts of her body which are nearest the sex organs.

The reason for the existence of these tattoos may be that they add additional pleasure to intercourse. (1) This explanation does not seem entirely implausible. I have never been able to obtain a clear-cut or direct confirmation of this point, but it is a fact that a man sometimes makes malicious remarks to his wife if she is not sufficiently tattooed to his taste ("You, your body is as smooth as a man's"). This fact lends considerable validity to the explanation given. The persistence of these tattoos in spite of modern dress also makes it convincing, although the evidence is not entirely conclusive, considering that its significance is not diminished by the psychological explanation that follows.

The figures are placed in such a way that they converge toward the sex organ. Moreover, the men see the tattooing at some time or other, either in its entirety or in part. Clothing may cover them more or less, but at some time for one reason or another the woman uncovers them, if only partially. [68] The imagination works on what is seen and quite naturally arouses sexual desire. The accuracy of this psychological explanation can be verified even in Europe; one is tempted particularly by what one has only glimpsed,

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1. This is the explanation given, for example, by Dr. J. Maes in Notes sur les Populations des Bassins du Kasai, de la Lukenie et du lac Léopold II (Notes Concerning the Peoples of the Kasai and Lukenie Basins and of Lake Leopold II), p. 189 ff.

304 832 and "modern" fashions, as well as some ancient ones, take this into account. In the next paragraph, moreover, we will note ananalogous phenomenon.

Both of the explanations given can be defended, since each has its value. But it seems to me preferable not to oppose them but rather to bring them together, as they probably are in the thinking of the native.

It should also be noted that a man never performs the operation of making a sexual tattoo on a woman, although a woman may indeed operate on a man. And finally it should be mentioned that the [831] specific terms designating these tattoos are considered as obscenities.

The practice of tattooing is decreasing at the present time. [178] Many boys are already without tattoos. But very few girls lack them; among them the fad has not disappeared. Some even have themselves tattooed without the knowledge of their parents and in spite of their opposition. Among the Blacks, as everywhere in the world, fashion is deeply rooted because it is natural. But the designs of the tattoos are now becoming smaller. It seems to me that this change is due, not to a reaction against tattooing as such, but rather to a modification of the style. For tattooing is a real fashion, and like all fashions it is subject to change and development. Nowadays there is a tendency to imitate the designs of other peoples of the Congo. Elsewhere, as among the Injɔ́lɔ́, for example, an internal evolution may be observed, although it is occurring under foreign influence. The evolution is taking place chiefly in the face motifs, while those of the body are beginning to be omitted. But the sexual tattoos do not seem to be disappearing. [69]

4. Bead Belts

291/ 901/ 832 From an early age the Nkundó child is adorned with a belt of trading beads. Before the coming of the Europeans this decoration made its appearance only towards puberty and was restricted to girls. Nowadays, many men also adorn themselves in this manner. And since it is now easier to obtain the beads, women are no longer with a single string but wear several in assorted colors. They add smaller ones below the knee.

291 According to what I have been told, this type of ornament may
301 also have a sexual significance. Normally -- and this statement is
832 applicable only to the present time -- the beads are entirely covered by clothing and are visible only on a few occasions. If a large number of strings (as many as six, eight, or ten) or very many beads are worn, attention may be attracted to them because there will be a bulge in the clothing worn over them. Their sound will reveal their presence during a race or a dance. And according to my informants, that is enough to awaken passion. Making an allusion to the beads and especially touching them deliberately is considered as an invitation. For her part, a woman sometimes rubs them together in her fingers so that they will make their characteristic noise and thus attract a man's attention and arouse his interest.

The preceding does not mean that simply the wearing of the beads is necessarily intended for a bad purpose. Not only must such an intention be excluded in the case of serious persons, especially if they are elderly and content themselves with wearing a single string, seldom a second one to support the first. But there is also the possi-
[152] bility that a young Black beauty may adorn herself with ten or more strands out of sheer vanity, so that the whole world may see that she has so many. [70]

Furthermore, it has been shown that attention to appearance is not necessarily directed to another person. Though that may be generally true, many people like to dress for the pleasure of being well dressed, and girls who never dream of an adventure may still enjoy wearing pretty undergarments. This desire for adornment for its own sake can, no doubt, explain the belts, as well as other embellishments on more than one Nkundó woman.

We should add that those who adhere to the theory that the tattoos have an immediate sexual influence could apply such a theory here as well.

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5. Depilation

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All Nkundó of both sexes practice depilation of the genital organs and even the armpits. The natives believe that the hair growing

302 under the arms is related to sexuality and give it the same name as
831 they use for their pubic hair.

A person removes his or her own hair, or it is removed by a friend of the same sex. Formerly, the hairs were simply pulled out. Nowadays, many people shave with a *lotéé*. Moreover the practice tends to be confined to the hair connected with sexuality, but in the past everything was removed: eyebrows, eyelashes, mustaches, beards.

For the Nkundó hair removal is a form of beauty care. Their
302 explanation must be accepted, though the term "beauty care" must be broadly defined so that it will include also the depilation of parts of the body that are always hidden. This last form however, might have some relation to the tattoos: it makes tattooing easier and its effect more obvious. [71]

Article III. Prostitution

The dictionary defines prostitution as follows: "a trade which
548 consists in providing one's body for the pleasures of the public in exchange for money." In addition to this limited sense, the most important aspect of which is "in exchange for money," the word also has several broader meanings.

Prostitution is found in the world in various forms: 1) the kept woman, 2) the brothel, 3) the professional streetwalker, 4) the occasional streetwalker, 5) the married woman who has a steady relationship with a lover who pays her, 6) the woman who is the concubine of a number of men in succession and who is paid by each of them. We will examine the forms under which this misconduct has occurred and occurs among the Nkundó.

The first question we should ask is whether a Nkundó woman gave herself to a man for profit before the European occupation. It is true that a woman often demanded remuneration but, as we have already said, it is very difficult to determine whether she did so for gain or simply to be reassured of her lover's affection. Knowing the mentality of the Nkundó woman of today, we must admit that her greed sometimes brings her to acts of venal love. One or another of them has no doubt given her body in order to possess various

548 ornaments or objects for her toilette (hairpins, for example), and it is probable therefore that individual cases of this sort occurred. But it is altogether unlikely that the practice was widespread, as it does not fit in with the economic organization of this people, among whom wealth is more or less collectively owned and, moreover, (as will be shown in Chapter VI, Article II) a woman has no property rights. [72] Therefore we can assume that there were only a few occasional prostitutes.

On the other hand, there have never been any professional prostitutes; that is, Nkundɔ́ women have never made a job out of prostitution, and the same thing may be said of the other forms listed above.

The number of prostitutes was necessarily limited, however, by the fact that the great majority of women were always married young (Chapter IV, Article I), and that adultery was severely punished (Chapter VI, Article VII).

Nevertheless, there is something which superficially resembles prostitution; that is, there is a category of girls and women whom at first glance one would be tempted to call prostitutes. Therefore it would be useful to examine the situation somewhat more closely, for though in itself it is entirely different from prostitution, it could easily lend itself to it.

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It sometimes happens that a girl, besides the bolɔ́mbɔ́ (a socio-political institution in no way related to the degeneration of female sexuality), is kept in the home of her parents beyond the customary age before she is given in marriage. Such a girl is called ɛ́fɔ́tswââla, "the one who does not marry." She is not bolɔ́mbɔ́. Externally or -- to use philosophical terminology -- materially, the two customs resemble each other; but formally they are entirely different. Creating a bolɔ́mbɔ́ involves authority and influence and is thus a public matter. Whether a girl becomes an ɛ́fɔ́tswââla, on the other hand, is a private matter between father and daughter. While the creation of a bolɔ́mbɔ́ is accompanied by public feasts and a decree officially proclaimed (boɛko) by the father and accepted by the council of family heads [73], the establishment of a ɛ́fɔ́tswââla involves no official act or ceremony.

548 582 882 The name ɛfótswâɛ́la does not mean that the girl will stay single all her life. Her marriage is not permanently excluded; it is only postponed.

As for her behaviour, the efótswâɛ́la conducts herself like any Nkundó girl. Nothing distinguishes her from her companions. If a good match is proposed to her, she marries like everyone else.

This custom -- if one can use the term -- therefore has no real connection with prostitution. All that can be said is that the girl who stays single longer and until adulthood, is exposed to more libertinism and a life of debauchery.

586x It also happens that parents who are angry because their daughter has dissolved a marriage to a man they consider a good son-in-law prevent her from remarrying in an effort to make her return to her legitimate husband. If the parents and their child each hold to their viewpoint without yielding, such a situation can go on for many months until the wife is -- practically speaking -- no longer under the authority of her husband. And since the opposition of her parents prevents her from being married by another man, she easily comes to give herself to all. It should be added that at present this case is chiefly hypothetical. Parents no longer have the authority [178] to thwart the desires of an adult daughter in this way; if she is stubborn they have to yield out of fear that she will run far away. And that would be to go from the frying pan into the fire. But in the past the kind of situation I have described was not unusual.

548 369 The most fertile places for the breeding and development of prostitution are to be sought in the centers. The following principal causes can be given:

1) Female vanity is overexcited by the sight [74] of all the dazzling riches which have been imported by white men and which are such a temptation to Negro women. It requires a considerable income to satisfy this desire to enhance one's native beauty. Ordinary laborers and artisans do not earn enough money to satisfy their wives or daughters in this respect. Mistresses of Europeans or of foreign black men, the wives of "clerks" and other representatives of Negro high society display a degree of luxury startling and striking to the rest.

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548 2) There is a considerable excess of bachelors over eligible women.

[684] 3) The freedom to commit adultery: no sanctions were provided.[1]

[586] 4) The difficulty of finding a suitable husband experienced by many girls born in the centers. Marriages between individuals belonging to different groups (especially certain ones) seldom last. And since inhabitants of the centers have no fixed or stable residence, they intend sooner or later to go back to their tribe of origin. Serious-minded parents therefore discourage and thwart these "mixed" marriages. (1)

1. On this subject, read Jadot's fine page in *Blancs et Noirs au Congo Belge* [Whites and Blacks in the Belgian Congo], p. 132, beginning: "*La prostitution devait inevitablement* . . . (Prostitution was inevitably . . .).

[361] In the region under discussion there are only a few lightly populated centers: plantations, government or business stations, and small commercial centers. From time to time the bachelors there satisfy their desires with the wives of their fellow workers, and especially with women who come from the interior to sell their products at market. But they do not avoid one of the consequences of prostitution, namely the spreading of venereal diseases.

It is possible to conclude that in the past prostitution existed only in a very broad sense [75] and there was very little of it. In [114] Engel's article, "Les Wangata" *op. cit.*, he writes that among the Wangata "prostitution no longer exists." If the eminent author is using the term according to the meaning in the dictionary, we may ask on what basis he is implicitly stating that this institution existed in the past. If prostitution is broadly defined, then the facts contradict his remark, for actually it has not ceased to develop among the tribes he discussed, who are located very close to the city of Coquilhatville and its various suburbs.

[1] [i.e., in the centers.— Analyst]

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178 The fact of colonization has greatly changed the situation. The freedom of communication across great distances, the introduction of new and varied goods and especially of money, have had a great influence on the development of prostitution. The economic system of the people remains the same; but when the women are away from their families or their husbands, they spend their means at their own discretion. And, since the objects of adornment available to them have greatly increased, they have a personal incentive to engage in immoral conduct.

The vice has not therefore taken on European forms; modern changes have simply increased -- but in enormous proportions -- the number of occasional streetwalkers. The development of this state of affairs is encouraged by the procuring activities of certain polygamous and even monogamous men living near European centers, which give rise to the attitude of their wives. For though the husband may reap the primary financial benefit, the wife is not deprived of her little gain, and her native cupidity easily pushes her to engage without scruple in commercializing her body.

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548 The women under discussion are usually married. Often they have a recognized lover among the laborers in the camps, and he usually pays for their faithfulness. Thus we arrive at the married woman with a regular paying lover. [76]

This form of prostitution has developed even outside laborers' camps. It is to be found among the people on the river banks, who are more in contact with the Whites and their people and in the neighboring villages. It is especially prevalent among the Beloko, fairly near Coquilhatville, where it is spreading even among wives of monogamists. This perversion takes root all the more rapidly because it has a certain resemblance to the ancestral custom of a recognized concubinage (see Chapter VI, Article VIII, 2) and like the latter, it often does not take the form of prostitution. That is to say, the illicit relationship is not engaged in for the sake of gain. Furthermore, an arrangement is often made with the husband.

[369] As to the other forms of prostitution listed, they are still unknown in the native villages and in the small centers located in the territory studied. Some of them, however, may develop in the fairly near future.

548 In a center like Coquilhatville there are loose women who live in concubinage, first with one man and then another, a few days or weeks with this one, then the same length of time with that one; they are paid by each man but refuse to give up their freedom permanently. It is true that this city is outside the geographical limits of our study, but since it is located close to Nkundó territory and is important to them, I have touched on it briefly. No brothels are to be found there, and one does not encounter professional streetwalkers except for a few women who solicit among ship's crews. Most of the prostitutes in Coquilhatville are single girls or divorcées (legally or in fact). This disguised form of prostitution is not regulated here as it is in Leopoldville. (1) Nevertheless, the [77] government recognizes, at least in practice, the existence of a class of "free women" present in considerable numbers. Their way of life is contagious to such a degree that -- to an extent which varies greatly -- a noticeable number of girls who live with their parents but aspire to luxury have been seduced by it. (1)

[651] 1. In the capital all native women who are adult and able bodied and who theoretically are living alone are taxed 50 francs (the certificates of payment show, in addition to other information, the number, name and address of the person taxed). This tax is not the equivalent of a permit to engage in licentious behavior or libertinism. It is not called a "prostitution tax" or any equivalent name, but some Europeans call it that because it has that appearance.

In addition there is a real regulation concerning prostitution; it is the Governor General's order of November 5, 1913, which establishes cards and periodical sanitary examinations for prostitutes. It would seem to be applied in Matadi, Leopoldville, and Elisabethville.

1. According to the latest figures

549 available to me, the government recognizes the presence of 702 free women out of a population of 8,386 persons who are not permanent residents.

Article IV. Premarital Sexuality

836 Under this heading we will examine:

1. What the Nkundó think about virginity.
2. Relations between single people.
3. The Nkundó's attitude toward births outside of wedlock.

1. Virginity

The word "virginity" has a double meaning. It may signify the presence of the hymen, the wholeness of the body, or it may have the meaning given in the dictionary: "virgin, a girl who has never had intercourse with a man."

Because of the practice described in Article II, 1, Nkundó girls who remain physically virgin until adulthood are extremely rare. Even if a girl does not begin sexual life until after her body has reached maturity -- a situation which occurs rarely today but which was formerly common, (2) [78] she will not give herself up to carnal pleasures until after she has broken her hymen.

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836 What is the Nkundó attitude toward virginity? This question must be divided into two parts:

1) Does the future husband attach any importance to the physical virginity of his fiancée? Evidently not from what we have seen.

2) Does he attach any importance to her moral virginity? That is, is it a matter of indifference to him whether or not he is the first to have intercourse with her?

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2. See no. 2 of the present article.

585 836 To say that it makes absolutely no difference to him might be too extreme a statement. But it is certainly not very important to him, since the primary purpose of his marriage is to obtain progeny and to follow his natural instinct in an honest fashion. This does not mean that he likes to marry a woman of loose morals; quite the contrary.

171 585 836 What is the linguistic data on the subject of virginity? In an interesting paper entitled "The Principles of Bantu Marriage" (*Africa* Vol. 2, No. 3 (1929), p. 255), E. Torday says, "Some of the most competent philologists assure us that in most Bantu languages there is no word for 'virgin'; . . . . The Wachagga, who may be an exception, use the word 'unimpaired,' and it is perhaps in the use of similar expressions, not exclusively applied to physical virginity, that we shall find the explanation of the absence of a specific term."

585 836 192 Thus the Lonkundɔ́ have a noun: *ekátɛ́*. It is derived from the root *kát* (the verb is *-kátema*), which means "to be firmly attached, to be tenacious" (e.g., *lokátú*, "tenacity"). *Ekátɛ́* designates something which is difficult to open, to separate, to break up, especially fruit with a tough, hard, thick rind. It is applied to the *litɔ́fɛ́*, *lisɛ́njá*, and the *lindongɔ́* when it is impossible to break the shell which contains the edible portion even though the fruit is ripe. [79] This term is used in a figurative sense for a woman who resists seduction, who "does not allow herself to be opened." It is not at all specific and in no way the equivalent of our word "virginity," rather it seems to signify "chastity."

Other Nkundɔ́ tribes seem to have a specific word, *bokotɔ́*. I learned this term from natives living between the Ikelemba and the Tshuapa, both east and west of the Julɛ́, as well as from some Basɛ́ká Bǒngwalanga from the old Lulonga District. The missionaries of the Apostolic Prefecture of Basankusu use it in their publications to mean "virginity, virgin." I was not able to get an exact idea of its precise meaning, but as far as I was able to make out it is much closer to "virgin chastity" than *ekátɛ́*. In any case it includes no reference to physical virginity. (1)

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1. We should not be astonished that "primitive" tribes have no word in their language

000 which specifically expresses our idea of virginity, nor deduce from its absence that the thing itself is unknown to them. The Greeks and Romans were well acquainted with it, yet they had no precise word for it. Parthenos and Virgo mean simply "unmarried girl." The Germanic words such as Maagd and Jungfrau, which now signify "virgin," originally had the same meaning as the Greek and Latin terms.

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836 The foregoing does not imply that every Nkundó girl is free to have sexual relations and that public opinion approves of libertinism among single people. We will examine this question in the following paragraphs.

2. Sexual relations between single people

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164 In dealing with this question we must distinguish between relations between adults and the contacts between nonadults. We will therefore examine the two situations separately so that at the end we can attempt to explain the changes in native attitudes in this realm that have occurred. [80]

A. Before physical maturity. We will first relate what the natives tell about customary practices in the past, and then describe the practices of the present day.

In the past, sexual contacts between young people not yet marriageable were severely punished by their parents. The children were taught that those who were guilty would be struck down by a very serious illness which was inevitably fatal. This illness was called by the generic term ndota (1), and the more specific one, esɛ́mbɛ́ji.

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1. Ndota is the name of the illness which is the punishment for an infraction of a sexual

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864 prohibition under any circumstances. I have heard these same terms used also by the natives in the vicinity of Coquilhatville.

The body becomes flabby and without strength, and this weakness ends in a fatal paralysis (*byongɛ nnyǎnyuka* or *nkatɛɛnɛ*). In addition, the girls feared that their sexual organs, not yet fully formed, would be torn. They were also imbued with a very intense fear: *bofolu w'aende*, "the fear of males," *bofolu w'ǎmato*, "the fear of females." They also feared death -- *bɛlotɛkɛ iwɛ*. The parents added that sexual acts were free from danger only between persons of the requisite age.

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858 This does not mean that children did not commit indecent acts. The game of *ioto*, in which little girls try to cook (and which is always one of their favorite games (2) as it probably is throughout the world), often gave rise to it. Small boys joined in the game in order to taste the meal. And quite naturally they began to play at "husband and wife," more or less. Often this game involved only innocent imitations, but other times touching and exhibitions occurred between children of the same sex or of opposite sexes. This game is far more dangerous nowadays, [81] because of a change in the attitude of young people toward sexual matters.

2. Some boys imitate this game in order to acquire the habit of preparing their own meals. Later they benefit from it on more than one occasion.

The game of *yembankongo*, in which boys, imitating monkeys, chase each other through the trees and creepers can -- and does - result in reprehensible scenes.

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178 In former times most girls were married before puberty. But their husbands did not touch them until they had completed their normal development.

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864 Among some individuals the fear of sexual relations was so deeply rooted that it persisted even beyond the age limit and was

582 833 864 conquered only by repeated assaults of passion. Thus it is generally known among the natives that young women used to seek refuge in their mother's house when the husband wanted to begin making use of his rights as a husband. The mother would try to persuade her daughter to submit to the law of life. But sometimes, if her child seemed too resistant, the mother made excuses for her and asked the husband to consider her daughter's youth. The man usually wanted to remain on good terms with his mother-in-law so he did not insist and resigned himself to waiting till nature influenced the spirit and heart of his wife.

Since young people were brought up in deep fear of dangerous relations, it should not surprise us that this feeling became a real habit and did not disappear spontaneously the moment a certain degree of liberty was permitted. As a matter of fact, could we not make similar observations in Europe?

This is the natural explanation for the praiseworthy degree of morality among adolescents in the past.

178 836 864 Nowadays all that has changed. The young people follow where their passions lead them. Not the slightest check is placed on their impulses. Parents pay only slight attention to the conduct of their children. [82] It is better not to inquire into the morality of modern youth. Husbands no longer respect the bodies of their adolescent brides, who are themselves quite used to a sexual life and eagerly look forward to it; and no longer know the feeling of "the fear of men." Should we then be astonished at the frightening decrease in the birth rate (1) and the ever increasing spread of venereal diseases, which seem to have been unknown in the past? [164]

The reasons for this change will be investigated further on, under the letter C.

836 B. Between adults. Here the Nkundó are very lenient. There is a difference, however, between the socio-legal and moral viewpoints, although as we shall see the latter is influenced by the former.

[582] A woman is entirely free, legally speaking, as long as the first payment on her bride price has not been made. No man has

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1. The natives say that in the past young wives quickly became pregnant. And now ...

562 936 [539] exclusive rights over her. Hence the proverb: Mbɔ́mbo ìle nd'âns'ɔ̂imbo ífa la nkɔ́lɔ́, "boimbo fruit found under the tree have no owner; they belong to the first person who gathers them." Thus a girl for whom nothing has been paid belongs to no one. A woman free in this manner does not infringe on the rights of any man in her sexual relations. There are therefore no sanctions against her licentiousness.

936 864 Furthermore, the discovery of her activities gives rise to no shame. At most more serious parents will rebuke children who go too far -- the girls because they abuse the body and reduce their value for a prospective marriage (2), the boys because they [83] run the risk of financial difficulties (the dangers of adultery, indemnity for childbirth with death as a result, etc.).

626 936 Public opinion is even more lenient than the parents. This attitude is easy to understand: strangers need fear no unpleasant consequences. Errors of this sort are generally considered natural weaknesses, provided that they do not occur too frequently. For public opinion is hard on people who run from one to another; they are stigmatized with the name ekɔ́bɔ́, "unfaithful, flighty, without intelligence or reasoning powers," or ekɔ́ngɔ́, a stronger term with the same meaning.

936 From all the foregoing should we deduce that every woman is free to indulge fully in fornication? On the basis of the above considerations we could frankly conclude the affirmative. The behavior that can be observed from day to day fully confirms this answer. Some people stray more or less accidentally, but for others the practice quickly becomes a habit. And it can be said of all of them that

[585] 2. Not that a smaller bride price would be given for them. But a serious man would rather not take a woman for wife who has "run around" a great deal and therefore is more likely to commit adultery, to be unfaithful, and less likely to become the mother of a numerous progeny.

836 they succumb to any favorable opportunity. The validity of this generalization is not affected by extremely rare exceptions which may be encountered and which are due either to a constitutional abnormality or to an extraordinarily firm Christian conviction. How should
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178 these observations be reconciled with the statement so often heard from natives that the situation was entirely different before the coming of the white men? It was not unusual to see young women not only abstaining from sexual relations but having such a "fear of men" that they drove away seducers and defended their chastity by hitting them with a stick.

When the woman did not accept the young man's proposition, she considered it a grave insult. The initiator was entitled to no indemnity "for blows and wounds." The woman replied only in violent terms, in word or act. [84] Often she went and insulted the mother of the guilty party. When the latter was told the reason for this behavior, she could only turn on her misbehaving son and usually gave him a good talking to; if he was young enough she gave him a good beating. Thus the girl had every right to defend herself.

If the provocation gave rise to no complications in family or society, the parents paid a lot less attention. But they tried to teach
[864] their children discretion in these dangerous matters, though their instruction primarily took the form of a lesson after an error was committed, or sometimes apropos of an incident that had befallen someone else. Some parents were very severe. These attitudes were based on a vague sense of morality which was not deduced from philosophical reasoning or religious or superstitious ideas but which was innate and instinctive so to speak. In addition, the fear of excesses and eventual social consequences no doubt also played a considerable
[577] role. Excesses were feared above all, and an isolated occurrence was regarded more or less as a momentary weakness.

To form an accurate picture of the situation that existed in the past, we must not lose sight of the fact that, because of very early marriages, the number of young single women was necessarily limited.

The attitude toward single men was more lenient than toward
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836 girls, unless their behavior had any consequences and apart from the danger of their actions becoming habitual, leading inevitably to palavers.

174/836 C. An attempt to explain the modern changes. The facts themselves as much as a knowledge of human nature, together with the lenient attitude of parents and the lack of sanctions (the last two points are relevant only to relations between adults), are in direct contradiction to the statements of the natives. Should these not therefore be explained as exaggerations, stemming from a desire for national glory and a resentment of the situation created by colonization? The [124] natives whose strange assertions I have cited are elderly and serious; they demonstrate all the qualities of truthful witnesses. But are they not -- perhaps unconsciously -- laudatores temporis acti? I thought so for a long time and never allowed their statements to carry any weight. I have discussed this question over and over again, not with one or two natives, but with dozens of the most serious and sincere people, under various circumstances and in regions far removed from one another. Yet all supported the same argument, and I could never make my point of view prevail. I always received the same reply: "You Whites are not willing to believe us when we tell you what we know better than you, what is the pure truth. You are so involved in your own point of view!" Finally, before so much formal testimony -- uniform, unchanging, repeated ad nauseum in such varied circumstances as to individuals, times, and places -- my attachment to my own idea began, with some regret, to falter.

But how is it possible to resolve the contradiction between a rather broad liberty and the practice of chastity? And above all how can less than fifty years have sufficed to transform any attachment to virginity into licentiousness? The difficulty presents itself for relations between adults, but it is especially great with respect to reprehensible contacts between nonadults, because of the terrible sanction that we have described above.

The first objection may be partially met if we take into account the habit of "the fear of men," which is acquired and maintained through the severe prohibition against sexual relations before physical maturity and the terrible punishment with which the transgressor is threatened. [86]

The second objection on the other hand is much more serious. It is the one which above all has always kept me from accepting the

174 thesis of the natives. This is how it is refuted by those who contradict
136 me: "When the first black soldiers and their assistants, archers, and
[175] spear carriers were sent by the Whites to conquer us, they committed
all sorts of atrocities and permitted themselves all the licentious acts
that occurred to them. Among other things they took advantage of
young girls, even those who were not nubile. They required immature
girls to engage in sexual intercourse. They even went so far as to
force people to commit incest, uniting mother and son, father and
daughter, pointing a gun at their breasts. (1)

1. The fact that the soldiers required that immature girls be delivered over to them, because they were afraid of venereal diseases, is still notorious.

These accusations are so shocking and repugnant that one refuses to admit their veracity. Yet it is possible that they correspond to reality. For one thing, the informants are entirely reliable. For another, the account is internally consistent. As a matter of fact, scenes of the sort described seemed to have occurred at the beginning of almost all colonizations. Their authors were usually the natives of other regions rather than Whites (in our area Europeans were almost entirely absent from the first contacts between the inhabitants and the new power). By the nature of things anything can be expected at such a time. For occupations are carried out under martial law. And everyone is aware that war unleashes the human beast which -- as even contemporary history abundantly shows -- is capable of worse and more repugnant excesses.

It is possible to object to all this for, if the assertions of the natives are true, the events they describe did not give rise to a practice of incest and, consequently, need not have given rise to the far-reaching changes which we have observed. [87] But the two situations are entirely different. For licentious behavior between single people is more or less consistent with the passionate tendencies of human nature, which were mostly checked by the fear of a sanction -- a terrible sanction, it is true, but it was shown in fact to be nonexistent. Incest, 174 836 on the other hand, is extremely repugnant by nature, especially for the Nkundó. It is a vice which comes about only as a result of special beliefs or through a fundamental degeneration of sexuality.

The breaking up of the framework of traditional organization may furnish a partial explanation in this realm as in many others. In the case of sexual relations between single adults, it might even be deemed sufficient. As much may be said about greed, vanity, the desire for ostentation and display. These are very natural sentiments in a woman, and they were greatly stimulated by the dazzling riches imported from Europe. But these facts are not sufficient in themselves to account for everything. They are especially and entirely inadequate in explaining the considerable changes in the relations between immature children, and we are thus forced to accept the explanation given by serious natives.

3. Children born out of wedlock

848 Among the Nkundó, giving birth to a child outside of wedlock has never from time immemorial been considered a grave misdemeanor. It is not considered criminal, as ethnographers say it is among many other African peoples.

Furthermore, this attitude logically follows from the liberty permitted to adolescents, as described above. Neither the woman nor her lover are harassed or punished as a result. On the contrary, the grandparents joyfully receive the child, who adds to the size, power, and wealth of the clan. [88] For an illegitimate child (entombó) (1)
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1. Such a child is also known as bona ča waně, "child of the sunlight," or bona ča bombamboka, "child of the highway" or "of a girl of the streets." Among the Bombomba the term bokelankólo is also heard.

does not belong to its natural father. It is incorporated into the mother's family. It is said that he is born without a father. His

848 posterity constitute a separate family in the clan of his maternal 614 ancestors; it is called jwǒmoto or etóo éy'ǒnankáná (that is, the patrilineal posterity of the sister's son). Families and clans that have originated in this manner are not particularly rare in this region. One may even find an entire village born in this manner. Thus, Mbelé of the Bombwanja-Boéndé is the etóo éy'ǒnankáná of Lileko. A more striking example is that of the Injóló tribe, descended from the sister of Nsimba and Eanga, who are respectively the ancestors of the Ntómbá and the Boléngé. Since the male ancestor is unknown, it is assumed that their origin is due to an extramarital conception by the mother, and that her son, Nkólóbisé, had no father. The same is true of the Wesé subtribe, bǒnankáná of the eldest subtribe Engónjó, as well as of the Ngombe subtribe, which is bǒnankáná of the Wesé.

It would be incorrect, however, to attribute the origin of all the "jwǒmoto" clans to illegitimate children, for they may have come into existence for other reasons. Thus it is known that the ancestors of certain clans were born of a legitimate union, but the bride price payment had not yet been completed. Then, as some sort of obstacle intervened, the relationship by marriage was broken, and the child was incorporated into the mother's clan. The obstacle which interrupts the bride price payment may be a disharmony between the engaged couple or their families, as in the case of the Baséká Etáléngela of the Bakéala; but it is more likely to be war or the migrations of the tribes at certain periods of their history. The latter reason may have separated more than one husband from a wife for whom he had only made an initial payment at the time her child was born.

848 The fact then that many "female" clans exist in a [89] region does not prove that illicit relationships between single people were common in the past -- especially if one also takes into account that pregnancies were formerly much more frequent than they are nowadays. It merely shows that such relationships did occur.

An illegitimate child is considered and treated by the maternal grandfather as if it were his own. No distinction is made between him and the legitimate children. He is in no way despised. He has a voice in family councils and deliberations. And since according to Nkundó notions his relationship to his first cousins is that of father to son, he

848 has precedence over them and can become head of the family after his grandfather and uncles. In his natural father's clan, on the other hand, he has nothing to say.

If a man pays the bride price for a girl who has had a child
848 by him, he asks his father-in-law to let him have his illegitimate
596 child. This wish is almost always granted. The father-in-law well
understands his son-in-law's fatherly sentiment of love and considers
it quite legitimate and proper that a father should himself possess the
x [588] fruit of his own flesh. The only condition laid down is that because
of the child the son-in-law must increase the amount of the bride
price valuables by an extra slave or his equivalent. (1)

1. This transaction may even take place after the mother's death.

The father is not in a position to invoke any rights strictly speaking. The child is not considered as his because of his physical paternity, but only because of his father-in-law's kindness. If the latter were to refuse the father's request, he would not be acting in violation of justice. But his behavior would be considered as inhumane toward his daughter's husband and his grandson, and it would be criticized.

When a child is adopted by his natural father in this fashion, no one despises him for his illegitimate birth [90]. This procedure may therefore be considered to establish his legitimacy.

Nowadays, among the Beloko and their Elingā, the practice
848 of "buying" the child has sprung up. That is, if a man does not
178 marry a woman who has had a child by him, he pays her parents a
certain amount in order to obtain the child. There does not seem to
be much opposition to the introduction of this custom, which springs
from an honorable feeling for paternity and its duties. Its only disadvantage is that in such a case the child may never claim any rights
in his mother's clan. (1)

1. See Chapter VIII, Article IV.

848 If a stranger marries an unwed mother, he is never given the
614 child, which remains in the mother's family. This situation is clearly
585 x distinguished from those mentioned above.

848 614 583 What happens is that when such a woman goes to live with her husband and her child is too young to remain with his grandparents, she takes him along. Later when the boy reaches adulthood, he sometimes settles with the clan of his mother's husband and produces a posterity. But he is more or less discredited by the adopting clan (and by the others). He has no political rights there, no *mpifo*. His posterity is called *mbɔ́solɛ́* (from *mbɔ́sa*, "behind" and *bolɛ́*, "clan of origin"). (2) Its members may marry members of the adopting clan, excepting of course the descendants of their common mother. They also have their own cemetery. They thus form a separate clan within the village.

The practice of "bringing a child in the sling" seems to be disappearing at the present time, because everyone wants to remain in his own clan. Government policy deprives natives who do not live with their own families of almost all their rights. Moreover, [91] today it is much easier than in the past to procure the means for establishing a home. This last problem was certainly an important reason why a man would settle with the clan of his mother's husband.

The preceding clearly shows that a lover by whom an un- 848 684 married girl has a child incurs no blame, penalty, or fine. He has no obligation to care either for the mother or the child. Neither justice nor propriety requires him to marry the unwed mother. No indemnity is exacted.

There is only one exception: that is, if the mother dies as a result of the pregnancy or the delivery, or if the child is stillborn or born sickly, deformed, or crippled. In such cases the lover has to pay a heavy indemnity (*mbɛ́laka*) (1) That is why an unmarried woman who is pregnant is pressed into giving the name of her accomplice as

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2. They also say "he was brought in the sling," *bɔ̂yɛ́lákɛ́ ndá lɔmbɛ̌.*

1. For the child, the indemnity goes up to 50 rings; for the mother, 50 rings and a slave (or his equivalent in currency), or 75 to 100 rings.

848 soon as her family becomes aware of her condition. The accomplice
684 is made officially responsible and is required to accept this responsible and is required to accept this responsibility by publicly pledging his willingness to take all consequences upon himself. This pledge like all pledges is called ndanga. It consists of a knife, a ring of copper or brass, a spear, or similar objects. (2)

2. The same custom is practiced in the case of pregnancy resulting from adultery.

Article V. Sexual Intercourse

833 Although this subject is extremely delicate and therefore difficult to investigate and describe, it does not seem pointless to note here a few details with which I have become acquainted. We will discuss in succession a few circumstances relative to the act, then rape, and finally what are called incomplete acts. [92]

1. Circumstances relative to the act

[77] The Nkundó have intercourse lying on their sides. Nowadays, natives who have had frequent contacts with Whites are beginning to abandon the old manner for that of the Europeans. The spirit of imitation probably plays some part in the transformation which is beginning, but the gradual spread of the knowledge that the European system makes conception more likely is also a factor.

Even for illicit relations our natives seldom choose the forest or near-by palm or banana groves. Usually they prefer an isolated hut, or they take advantage of the absence of witnesses who might intrude on them. At night they are generally afraid of anything that stirs in the forest.

833 The Nkundó have sexual relations only during the night. To
753 do so in the daytime would be to risk being striken by a mortal illness
684 called bombilɛ (derived from mbilɛ "noon," by extension, "day"),

833 which has a strong resemblance to sleeping sickness. (1) One of its
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symptoms is a weakness of the lower limbs. Instances are cited of individuals who were unable to resist their passions and were punished in this manner. Apparently only the woman dies. As soon as her family discovers that she is stricken,the guilty woman denounces her accomplice. The latter is held responsible and is required to pay a heavy indemnity, which may amount to several dozen copper rings.

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751 Here as in many other situations the Nkundó have found a way to avoid the danger. There is an antidote (nsengó), and it is water (bǎsi bale nsengó éâ bombilɛ). Thus those who are unable to control their aroused passions during the day, satisfy it in a shallow stream.

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753 The fear of bombilɛ has been greatly shaken [93] by colonization. If we are to believe the natives, foreign soldiers are responsible for this change also. But the behavior of the latter could not completely destroy the ancient feeling, probably due to a natural shame which makes them seek darkness and privacy for acts of this sort.

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[515]
[842] After intercourse a native woman usually gives herself a douche. She does so for the sake of cleanliness. It often happens, however, that she does not wait long enough before doing so, and thus she neutralizes the effect of the intercourse. This is chiefly a matter of carelessness. Nevertheless, under certain circumstances she may use this means to prevent conception. (1)

833
826 According to my informants, some women have constitutional abnormalities which repel men. As everything readily becomes public, such flaws are quickly known after marriage, though not quite as readily beforehand. Actually love can -- and often does -- cause them to be overlooked. But after the first ardor has cooled, such a situation may become a threat to the stability of a marriage. When quarrels

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(1) It is not sleeping sickness itself, however, for that disease seems formerly to have been unknown in this area.

(1) See Chapter X, Article I, 2.

833 become somewhat violent, the women recall these flaws, to the
826 great shame of the person who suffers from them. The same is true of the weakness of some of the men which, like an excess of sexual activity, can cause difficulties in a household.

2. Rape

839 Rape in the true sense of the word -- that is, the abuse of a woman by the use of violence -- is most unusual among the Nkundó. If a woman does not consent, the angry seducer leaves her, often insulting her to the best of his ability. I know of only one case of rape, which occurred some time ago and caused much consternation in the region. Banɛ́ngɛ, the daughter of Iloko [94] Is Ɛ́fekele of Lofelɛ (Bongɛli), was at that time living with her mother's clan the Bonyeka (Bonkoso). She had not yet fully attained physical maturity (her breasts were still very small). One day she went into the forest and did not return in the evening. The family was alarmed, and her father and her uncle Mpɛ́nda ɛ́a Nkotonkale went to look for her. Finding traces of fresh blood, they followed them till they found Banɛ́ngɛ's corpse buried in the nsusulu. She had died of hemorrhage; her sex organs, torn, showed the unmistakable signs of rape. People had their suspicions, but it has never been possible to prove the identity of the criminal. If there had been proof, he would not have escaped the mortal vengeance of the unfortunate victim's parents.

All the data I have been able to collect indicates that other instances must undoubtedly have occurred.

3. Incomplete acts

832 Here we are speaking of what moralists call actus impudicitiae, that is, acts whose nature physically leads to sexual pleasure.

Obscene bodily contacts between persons of opposite sex are preparatory acts which excite; even touching the breasts, the abdomen, and taking a person by the arms are included in this category.

832 Kissing between persons of opposite sex is unknown. Embraces occur on the other hand but not in public; they must be considered as preparation to approaching intercourse. (1) An extraordinarily strong passion sometimes leads lovers to engage in more intimate kissing, usually as a prelude to normal intercourse. Although some natives are not shocked by such practices, more responsible people consider them improper. [95]

Article VI. Vices "*Contra Naturam*"

838 1. Male homosexuality

Homosexuality has been known among the Nkundó since time immemorial, among men as well as women.

Among the former it took the form of sodomy in the past, with one particular characteristic -- for which I do not know the explanation, that is, only the younger of the two men could take the active role. Nowadays among the youth, homosexuality has begun to take on a different form; the boys who practice it lie down in the positions of husband and wife. It is reported that sometimes one of the two says from time to time to his accomplice, "This is what I do with your sister." Is this an indication that here we have homosexuality only in action but not in feeling (*in effectu* not *in affectu*, as the moralists say)?

Homosexuality among the Nkundo does not seem to be the result of a special inclination for this vice; rather it has always been a last resort open to those who could not find a natural outlet for their passions. Although we cannot approve of this depravation of instinct either on rational grounds or in adherence to the faith, we must admit that it was more excusable among these peoples whose social organization was disadvantageous to many young people. At the present time there is already much less sodomy because it has become easier to get married. As for the new form of homosexuality, it may be observed especially in places where men are kept rigidly apart from relations

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1. See above, Part 1, Article III.

838 with the opposite sex for a long time, such as internment camps, prisons, etc.

2 Female homosexuality

Nkundó girls play at "husband and wife," and even adult married women engage in this vice. According [96] to my informants the causes are the following: first, an intense and very intimate love between two women, and second, and above all, the fact that wives of polygamists find it difficult to satisfy their passions in a natural way. Often they engage in this practice with co-wives of the same man. The greater liberty introduced through colonization could reduce its frequency, but up till now no great improvement has been observed. What is more, in establishments where girls are too severely kept away from the opposite sex, there has been an increase.

The verb used to designate these depraved acts is yamáma, "to each other, one against the other." The noun bomámo is derived from it. But these words are also used to designate a simple embrace. A more specific term is yafkya bonsángo; the verb yafkya (simple form: fkya) means "to press against each other."

Is there any need to say that a people like the Nkundó, whose beliefs are founded on nature, see nothing the least bit wrong with this vice? Consequently it would be desirable for educators and missionaries to draw their pupils' attention to the harm present in such practices.

3. Masturbation

839 This vice seems never to have been practiced by the Nkundó, but at the present time it is known in the large centers and in the camps; from there it gradually penetrates into the interior. Yet it seems to spread with difficulty in native society. It is understandable that a man who has acquired the habit in one of the centers does not rid himself of it without great effort; but as the natives do not have the will to corrupt others, he does not become an agent of its propagation. (1) [97]

(1) In spite of frequent touching due to itching.

4. Onanism [coitus interruptus]

833 Onanism also seems to be unknown. No doubt many women have learned this vice through their concubinage with Europeans, but they have not spread it. The same may be said of involuntary onanism. For the native does not look for sensual refinements; rather he follows his natural impulse. (1)

> 1. The practice described in Chapter X, Article III, 3, may be slightly tainted with onanism; it could certainly lead to such a practice, but it is not caused by perversion.

Article VII. Incest

835 614 We here must distinguish between 1) sexual relations between distantly related kin and 2) between close kin.

1. Among distant relatives

Incest among distant relatives (in the Nkundó sense of the word) has existed since time immemorial. It is called lonkâna (bombaká among the Bombwanja). Lonkâna is derived from nkâna, "brother, sister." The expression liála j'ólóló, "sexual union in the village," is also used. The term lonkâna is applied to relations between members of families which are only very distantly related (not at all related, according to our notions) but between whom marriage is not permitted. Thus one hears that such and such kin groups do not marry each other (báfóyakumbólé) but they commit lonkâna. Two kin groups of this sort may be considered closely related clans. The groups between whom lonkâna is practiced each has its own cemetery, while those between whom it is absolutely forbidden share a common cemetery. Thus, to cite an example, the "village" [98] of Elángá l'Imomo l'Ontole (Bongíli) is composed of three kin groups, as the name indicates. The Imomo settlement is partially located in the

835 allied district of the Bombomba). The same is true of the Bontole.
614 Elángá and Imomo, together with Eleke (Lokongo), comprise the posterity of the son of Ambá, who was the sister of Iloko, Eángá, and Bokungá, the latter being the ancestor of the Bontole. The three groups do not intermarry. Between the Elángá and the Imomo, lonkâna relations are also not permitted, but they are practiced with the Bontole. Note that the term lonkâna is never applied to relations between truly separate clans, that is, between exogamous entities.

To define the precise limits of this practice we would have to examine each kin group separately, and this would lead us too far afield.

It should also be noted that lonkâna may be limited to an isolated act, or it can become an intermittent concubinage. The name of the practice does not change when it involves a married woman who is visiting her family. Sanctions against adultery are applicable to such a case, however, as to all others. (1) Although the relatives of the woman are more lenient than if the adulterous relations had occurred with a different lover, the husband whose rights have been infringed on makes no such distinction.

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174 The custom of lonkâna seems rather strange. After all, if sexual relations between these clans are not reprehensible, why is marriage between them forbidden? This is an apparent contradiction which merits attention. Should not this practice be viewed as a relaxation of the law of exogamy? In past times all sexual relations between members of the clans under discussion would have been forbidden, a very natural phenomenon when the families originated. [99] Later the young people would have succumbed to the temptation, and little by little infractions would even have multiplied. For as the clans became increasingly extended, the temptations became more and more numerous and the rule, now detached from its natural significance because very distant kinship was involved, came to seem more or less arbitrary to the interested parties. It was supported by no sanction or

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1. See Chapter VI, Article VIII.

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fear. (1) Thus the very number of violations would have gradually

1. Actually, no sanction is provided against marriages within an exogamous entity; everything lies in the opposition of parents and elders and in a habit which is almost innate.

made the practice customary. Powerless to stop it, the persons in authority, guardians of traditional morality, would have contented themselves with channeling the development and restricting it to a minimum by being lenient on the subject of extramarital relations in order to save the principle of exogamy. This explanatory hypothesis can find a little confirmation in the fact that at the very beginning of colonization when European influence was not felt as yet, there were isolated and very rare cases of marriage in opposition to the law of exogamy between members of groups which were only very distantly related but already practiced lonkâna. The exception then became the rule, and from then on the two groupings in question intermarried regularly and without hindrance, while other families remained under the ancient law. Thus there is the known case of Boyela village (Bakáala), which includes the Bokambá, Bembakó, Besóló, and Bekólama (extinct), all descendants of Ngonde and one wife; his union with another spouse gave rise to the Lileké and the Likongo, to whom Bongilá, a group related through marriage (likilo), is attached. These two groups of families could not intermarry, but they did engage in lonkâna. Around the time of the first arrival of the Whites, a member of the Bembakó [100] family a certain Bonjómbó was impelled by an excessive love to violate the law of exogamy by taking Bolondó of Lileké for his wife. As his love did not cool and the marriage proved stable, it was recognized and accepted as legitimate. Since then the two groups in question have each become exogamous.

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2. Between close relatives

Incest between close relatives has no special name of its own. As a matter of fact, it never occurs as an outgrowth of passion. We

835 encounter it only in connection with magical practices and sorcery
154 (botɛ, plural betɛ), for which it is the nsimbo, that is, the condition without which the betɛ would lack efficacy. If the nsimbo is not observed, the botɛ turns against its owner and, by a reversal of its effect (bosesengano), brings death to the latter. Therefore the interested parties submit to these degrading requirements despite their natural repugnance. Depending on the case, incest with the mother, the daughter, or the sister is required. The first of these eventualities is the most repugnant to our natives. Though it goes altogether against the grain to do so, the mother submits to this ignominy to save the life of her foolhardy and greedy son.

[184] The nsimbo of incest does not exist in all botɛ. It even seems to have been absent from the betɛ which are ancient and purely Nkundó. It is found primarily in the big modern betɛ, which have been imported from other peoples or invented on the spot since colonization. (1)

1. See Kaptein, in Congo, 1922, Vol. 1, p. 534.

Article VIII. Love Philters

832 The Nkundó are familiar with two love philters, the efóndɛ and the bontálá. Other modern betɛ may produce the same effect in part or secondarily. Here [101] we will only deal with the first two, which are "pure" and ancient love philters.

The love philters (botɛ w'ělangyá) serve to gain the heart of a young girl as much as to entice a married woman away from her husband.

1. Efóndɛ

Efónde (1) is a common charm. Anyone can procure it from the maker in consideration of the appropriate payment, of course. Various kinds of efóndɛ exist, differing as to the ingredients used, the manner

1. Efónde is often used as a synonym of elangyá in its sexual meaning.

832 in which they are manufactured, and consequently in the way they [824] are used. The most common ingredients are certain leaves mixed with red rouge (ngóla) and a sort of lichen which forms red slabs on the bark of certain species found in the forest; the whole thing is [825] carefully wrapped in a small fur (especially the skin of the small feline iyei).

The charm is hidden under a slat of the bed where the desired one takes her nightly rest. Because this is done an ardent love for the owner of the charm will grow in her heart. Or it may be placed somewhere in a hut; then the desired woman is called in, the owner of the charm takes her arm, and the efóndé immediately "turns her heart." Or, still without the woman's knowledge, the charm is thrown into the fire where she cooks. If she begins to sneeze when she returns home, this is a sign that the smoke charged with mysterious emanations from the philter has pepetrated through her nostrils all the way to her heart and filled it with ardent love for the Adonis in question.

The efóndé is considered an ikóko, that is, a subjugation. Efóndé ákóka bămato, "the efóndé masters women, has power over [824] them." The substance which prevents the efóndé from being efficacious is the bokai, a kind of sour vegetable. [102] The owner of the philter must abstain from eating it. For the bekai cause vomiting and if he ate any the woman would in the same manner eject her love and thus make the boté ineffective.

2. Bontálá

Contrary to the efóndé, the bontálá is a love philter which is not available to everyone; it is a charm only for dancers of the iyaya. This does not mean that all the artists who perform this dance have it, but they alone are acquainted with it. The material basis of the bontálá, as of most Nkundo beté, are the leaves of certain plants.

The efficacy of the bontálá is infallible. It acts not only on the beloved one, but also on any woman who involuntarily or on purpose fulfills the condition necessary to its operation. That is, as soon as a woman's head touches the arm of the possessor of the bontálá, her heart is moved in his favor; should she be married, her love for her

832 husband will change to revulsion, and she will leave him to be with her charmer.

Part 3

The Search for a Wife

584 When a young man old enough to marry believes he has the means to do so, he goes out to seek a wife. Naturally, he knows a number of girls, and as a rule he has no trouble finding one who suits him. The courtship is quite simple. As everywhere there are meetings, visits, chats, and jokes; but there is no romanticism or sentimentality, for they are absolutely unknown to these peoples. [831] Since they are in a hurry [103] to reach the objective of their relationship, namely conjugal life, -- and their progress toward this goal is facilitated by usages and customs -- there remains little time for poetry.

There is no specific term for courtship itself. The Nkundó simply speak of "talking with a woman," sooja bǒmoto, "looking for a woman," asa bǒmoto. The girl who is its object is referred to as bombɔ́yɔ́ (or boambá among the Injɔ́lɔ́).

First, the young man addresses his proposals to the girl: "ńdanga ńkokolɛ́ (ńkokumbɔ́le) la wǎlí, "I want to take you for wife." She shows her agreement by saying, "ńkolanga wɛ̌ ng'ɔ́kɔ́, "I love you also," or more frequently, "elaká ô wɛ̌, "as you wish," jɔ̌i ô likɛ̌, "it's up to you," or something of this sort. (1)

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831 The lovers exchange gifts. The girl gives food which her mother has provided, or which she has been able to procure herself.

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1. Note that for the Nkundó these expressions have quite a different significance than would appear from the words. They express a real agreement and an explicit and personal consent. In fact it is considered improper for a woman to use a more direct expression.

584 For his part, the young man gives her some small game animals
431 (especially the big rat called botɔ́mba, lemurs of the genus esɛ́ndɛ́, etc.) or fish. These gifts have no specific name. The man's gifts are simply called mpatɔ́ "gift sent"; the woman's are called botɔ́mo, a term used for all presents given by a woman to her lover (see also Chapter VI, Article VII, 2). The verb used with this noun is tumba, "to make burn." Etymologically the two words are in no way related.

Sometimes the sweethearts give each other a secret mutual pledge of their desire to be married. This pledge is called bondengɛ́ or bonengɛ́ and consists particularly of a necklace of beads called bafomakongo (or, more rarely, bisɛngɛ́ or bisɛngɛ́la). [103]

581 In choosing their wives, the men allow themselves to be motivated by the various factors which may influence them in this realm, such as physical or moral attractions. Wealth or social rank almost never play a part in determining the choice. Youth is easily carried away by physical attraction and passionate love. Men who are already more settled as well as the more sensible young men pay more attention to moral qualities, such as general conduct, submissiveness, goodness, gentleness, and especially diligence, careful attention to work, etc. In short, we find here the full range of individual variations that are encountered elsewhere, with the exception of marriages motivated by financial or political interests or by the degree of moral elevation that can be aroused by the Christian religion, such as pure devotion.

584 After a few days of courtship the girl lets her suitor know that if he really loves her he had better settle the matter and that consequently he must obtain her parents' consent. Meanwhile they have
[836] already had intimate relations several times; therefore the moment of official negotiations should not be delayed.

586x Seeking a wife who is already married is in no way different
587 from the procedure we have just described, but a great deal of circum-
584 spection must be used so that the husband's suspicions will not be aroused. The exchange of the secret pledge we have mentioned occurs especially in this situation.

Once the divorce is completed, the woman falls in the same category as a single girl since she is free.

Seeking a future wife in an as yet unborn child or one that is very young will be discussed in a special section (Chapter IV, Article I). [105]

Chapter II

The Marriage Agreement

581 The marriage agreement (1) is primarily arranged by means of the payment of certain valuables through the agency (Article II). The first stage is the engagement (Article III). After dealing with it, we will describe the various payments subsequently made to the father, namely the walo (Article IV) and the boadogo (Article IX), and to the mother (Article V), as well as the gifts (Article VI). Nkundó law also requires that the woman's clan pay certain valuables (Article VII). Finally, we will examine various rules and customs pertaining to the bride price: its acceptance (Article VIII) and the use to which it is ultimately put (Article X). The chapter ends with some general remarks (Article XI) and a few considerations on the attitude adopted toward the bride price (Article XII).

Article I. The Beginning of Negotiations

584 As we have seen at the end of the last chapter, the period of courtship is not long.

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1. These terms should be understood broadly, rather than in a strictly legal fashion. "The marriage agreement" here does not signify what is called "the marriage contract" in European law. This chapter deals with the various stages through which the condition of marriage is established among the Nkundó, and the various practices connected with this process. I have chosen this title in order to include all the multiplicity of essential and accessory elements comprised in the establishment of a marriage, as well as the various circumstances attendant upon it.

584 The young man informs his own parents of his intentions, and they make certain that this marriage merits [106] consideration and that there are no obstacles or too great difficulties that might cause trouble later on.

For the official negotiations the suitor and his father (or a substitute for the latter) go to the home of the girl's parents, who inquire as to the purpose of their visit, and when they discover that so-and-so would like to marry their daughter, they ask: "How do you want her?" (1) "I want her for my wife," he replies. Whereupon they tell him to make the necessary arrangements to make the first payment on the bride price. When the two parties have come to an agreement the parents of the intended conclude the conversation by saying: "We are not opposed; it is up to you."

[836] 1. That is, do you want her as your legitimate wife, or are you only planning to live with her for a time? In this fashion the parents of the intended assure themselves that the suitor has serious intentions of contracting a real marriage

[590] The formalities of the negotiations in the case of a woman who already has a husband do not differ from those for a girl who is free. Only, in the first instance the proceedings must go on with great circumspection so as not to anger the abandoned husband. In addition the woman's parents inform the suitor and his family of the amount of the bride price they must bring in order to reimburse the first husband. (2)

2. See Chapter VIII, Articles II and III.

In cases of engagement before birth or at a very early age, the same procedures are observed, but they are adapted to the special circumstances of the situation, which will be explained in detail in Chapter IV.

After the negotiations have thus begun, the suitor's father prepares the first payment of the bride price which, accompanied by his son and the ndonga, he delivers to the future wife's family. But let us first explain the ndonga.

Article II. The Ndonga

584 The ndonga is the guardian-keeper of the marriage; he is chosen by the parties involved and his participation as intermediary, witness, conciliator, or arbiter is required at every stage of the union. He is an official in the sense that his authority is derived from the very law which governs marriage in Nkundɔ́ society.

First of all, the ndonga is the indispensible intermediary for the payment of the bride price. Without him there is no legitimate marriage: Nkɔ́ ndonga ɔbɔ́ka baɛ́mba ɔ̂ lontubɛ́, bɔ̃na ale ɔ̂ bonto. "Without a ndonga you are throwing your valuables away at a total loss, and your daughter is but a slave," that is, she is not a wife. Legally, only the ndonga is qualified to act as witness.

The importance attached by the natives to the ndonga's participation is apparent in every moment of daily life. Thus if a woman has been beaten by her husband, her family can be heard to say: "Our daughter (sister) is no slave; she was paid for through the agency of a ndonga," bɔ́n'ɔ̃kiaɔ́ ɛ́fa bokwɛ́la, bowɛ́ngɛ́kɛ́ ɛ́ la ndonga. Or she herself will retort in this manner, mutatis mutandis, to her husband or his family when in her opinion she is not being treated properly.

The absolute necessity for the participation of a qualified ndonga is very rarely mentioned by Europeans in the colonial administration. One would say that they are unaware of its importance though it is crucial.

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602 In order to serve as ndonga for a particular marriage, a person must be related at the same time to both the future husband and wife or, as they say in Lonkundo, to be mbɔ́tswɛ́. Nowadays, because of the migrations of the natives, the ndonga who meet this qualification are rare in the centers and often cannot be found at all. Therefore, it has been necessary to adapt the traditional law to the situation. Hence a practice has developed [108] under such critical circumstances which consists in taking as one's ndonga a man whose integrity is generally recognized and who has every reason to be impartial and interested in the stability of the marriage. Thus it often happens that chief catechists assume the functions and responsibilities of this role.

584 Formerly, and even today in the interior, when two young people love each other but cannot find anyone qualified to perform the

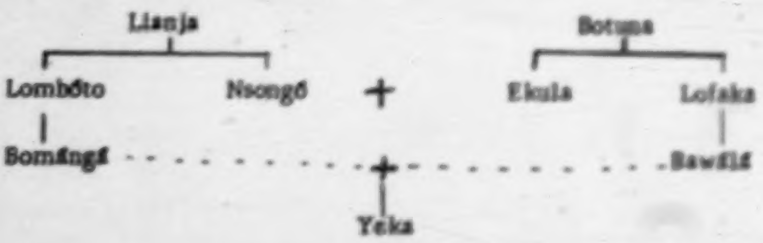
584 function of the *ndonga*, the parents of the young man oppose the marriage. They said: *tɔ̂límɛ́jɛ́ liála lǐnko, tɔ́á l'ɔ̂kɔfɛ́ndɛ́jɛ́ baámbɛ́*, "we do not want this marriage; there is no one to transmit the valuables." Under ordinary circumstances such an occurrence is almost nonexistent.

It is up to the husband to chose the *ndonga*, who is then accepted by the wife and her parents. If they are opposed to him, the husband replaces another in his stead. Though this situation rarely occurred in the past, it may be encountered under present conditions.

A woman may be *ndonga* just as well as a man.

Its functions are hereditary. If the *ndonga* dies, his son, daughter, brother, or even his wife, if she remains in her deceased husband's clan, inherit his duties and prerogatives.

Similarly, if the *ndonga* is absent or otherwise prevented from fulfilling his functions, members of his family may substitute for him. Thus, for example:



Yeka is a qualified *ndonga* for the marriage of Ekula and Nsongɔ̂. But since he is still too young [109] to perform the functions of this position, his father Bomangɛ is entirely entitled to substitute for him for the time being.

There may be several *ndonga* for a single marriage. All have to fulfill the necessary conditions and have the same rights and duties. It is not necessary, however, that they all be present at each occasion required by law: one of them will suffice, and it does not matter which one. Theoretically, their presence as witnesses is of equal value. Nevertheless, the first one designated is known as *ndonga éá ntsína*, or the chief *ndonga*. If it is possible to find two *mbɔ̂tswɛ*, both should be taken as *ndonga*; if not, the one person that can be found will suffice.

The *ndonga* is entitled to remuneration for his services from each of the contracting parties.

When the *ndanga* is paid (see below), the wife's family gives him [the *ndonga*] a smoked *botómba*, a hen, or a *bokósa* fish. This is a gift with the generic name of *lionja* (verb *bonjelá*). It is always obligatory.

Similarly, when the *walo* is paid, the wife's family must first of all give him food of animal origin (*bofambe*), generally a *botómba*, a hen, or a *bokósa*, as well as bananas. This present as a whole is called *botómba l'oanda* (1).

1. *Boanda* is a species of banana, but any kind may be given. As a result, nowadays people begin to speak also of *botómba linkondo* (or *linko*), or of *nsóso la linko* (hen and banana).

Finally after the *walo* is paid, the husband's family gives the *ndonga* 2 copper rings, and the wife's family does the same. If the amount of the bride price is very great, he may be given as many as 5 rings. The latter remuneration is called *bompóngó*. This word literally means a domestic animal (a dog or a goat) given as payment. Nowadays its value in copper rings (*konga*, pl. *bakonga*) is given, but the old name has remained. [110]

All these remunerations are given the generic term *lómbela ndonga*, "to prepare for the *ndonga*," and the noun *balómbo* (sing. *ilómbo*), as if there were food involved. This expression fits well with the *botómba* and the bananas, etc. but it is used also for the copper rings. Is this an extension of the meaning? Or should we conclude that in the past the remuneration in question was made only in foods?

If there are several *ndonga*, the remuneration is not therefore increased; it is one and the same, and they have to divide it among themselves.

In practice the heads of the clan or family are also present when the bride price is paid; they are influential men, who have the

584 power to settle disputes. They claim their share of the remuneration from the ndonga. According to the saying -- in archaic language -- botɛ wă ndonga nd'â dombɛ, "the power (literally, "the medicine") of the ndonga resides in the judges." Not that the judges themselves have the right or the power to intervene in matrimonial palavers. But they are that many additional witnesses. If the day comes when there is a dispute on the subject of the bride price, especially at the time of a divorce, the ndonga can call on them to help him refresh his memory and thus avoid difficulties. For it can easily happen that after several years the official witness has only a vague and approximate recollection of what was paid. If the judges do not receive anything at the time of payment, they will refuse to give their assistance at the critical moment. It is therefore an intelligent policy to acquiesce to their desires even though strictly speaking they can invoke no real prerogatives.

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622 At the present time the colonial government, having established districts and named chiefs, the latter have had attributed to them the right to officially act as ndonga in matrimonial matters, or at least they have taken advantage of the powers given them and done so. In general [111] they summon the judges of the district at the same time, and the matter is entered after a fashion in the register of settlements. The chief's presence as a witness may have some value, since he can provide additional testimony and writes down the amount of the bride price. But his presence, on the other hand, has the disadvantage of involving him in matters which all in all are none of his business. We are not speaking here of cases in which he or some relatives of his are interested parties in the palaver. If he would be content to be a passive witness and enter the transactions that take place, the situation would be perfect.

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194 It is probable that etymologically the word ndonga is derived from the verb root long, intransitive longam, "to be in order, arranged," transitive longy, "to arrange, make as it should be." In addition to the word ndonga, which is used west of the Luilaka, we find the word bokɛlo used among the Bolingɛ and the Boɔyɛ (as well as the Elingɛ), and ngembi among the Injɔlɔ. The latter term could be the same word as its homonym which means "spy" and is derived from the verb

192 tomba, "to spy"; the former may be an extension of the meaning of
184 the word bokɛlo, "promise." (1)

[572] 1. Note in passing that a ndonga is also necessary for the boseka, or contract of friendship and mutual assistance. (See Chapter I, Part 1, Article III.)

Article III. The Engagement

584
585 1. The payment of the ikulɛ

The engagement begins with the first bride-price payment, which in former times was an arrow and for that reason is called likulɛ
[554] or ikulɛ. If the suitor was very rich, he sometimes gave an ingɔndɔ knife or even an empɔfɔ. A poorer one would merely give the shaft of an arrow. Nowadays 1 or 2 copper rings are given. But the original name of this payment has been retained.

Arriving at the home of the father of his intended, [112] the suitor, his father (or a substitute for him), the ndonga(s) and often other relatives as well, sit down on one side of the lofɔlɔ (the court in front of a dwelling), after an exchange of the usual courtesies. The girl and the representatives of her family sit down on the opposite side. As in all matters that a Nkundɔ has to settle, the host begins by inquiring into the reason for the visit. The young man's father answers: "We have come to ask for your daughter for our son." "How do you ask for her?" "We ask for her in marriage." These preliminary negotiations are called simply ɛwana mango, "to ask each other for news."

Then the girl's father asks: "Who will bring the liniɔ (banana) or the bonyɛko (partially ripe banana), that is, the gifts?" Through this figurative expression he asks who has been proposed as ndonga. The young man's father replies: so-and-so, and so-and-so. When they have been accepted, the fiancée's father has bananas, smoked fish, and sometimes hens brought in, and the witness passes them over to the future husband's group.

584
585 When the presents have been accepted, the ndonga plants the arrow in the ground in front of the wife's parents. Hence the expression -sumya likulá or -lubya likulá, "to plant the arrow," which remains very much the fashion even though nowadays the ndonga deposits rings in its place.

2. Consent

584 Asked by her parents or the ndonga, or on her own initiative, -- depending on her own inclinations, -- the girl pulls up the arrow or picks up the rings and gives them to her father. That is how she expresses her consent to the proposed engagement.

Her promptness, her nonchalance, or even the recalcitrant manner in which she performs this gesture show her [113] feelings. Usually her movements are lively. As we have explained, the union will have been anticipated for some time, and a Nkundô girl glories in being the object of a man's love and in having a husband. Nevertheless there are cases where the girl has to be persuaded to make the decision, especially if she is still young. Within herself she is not enthusiastic about the marriage. But in the end she bows to her father's wish, preferring a union which is contrary to her desires to fairly serious trouble with her family. 589 156

Naturally we find the whole range of variations which depend on individual temperament and on circumstances. A categorical refusal must certainly be very rare. It would be the act of a very strong-willed woman. But the union would have been called off much earlier, so that such an extreme situation would not be allowed to occur.

The case of a woman who submits to the ceremonies with resistance and against her wishes is more frequent. Not only does she have to be urged and persuaded, but her frowning face expresses her discontent. She picks up the objects with an apathetic gesture, turns her back to her father, and drops the valuables behind her without even looking at him. None of the people present misunderstand the meaning of such gestures. Consequently members of the family and the notables who are present never fail to attract the father's attention to 584

584 the gravity of this situation. They try to make him change his mind and to dissuade him from accepting the bride price. To that end they try to make him see the consequences of his obstinacy: at the first favorable opportunity the woman will take flight, leading to palavers (and in the past often war), imprisonment, all sorts of [578] troubles, and finally the bride price will have to be returned for the divorce. Sometimes they succeed; other times all their wisdom and eloquence are in vain. Cupidity, the need to obtain the means of a [156] [114] bride price for a wife (for oneself, a son, a brother, etc.) and the profit he reaps from the union silence all other feelings. Here again, everything depends on the character of the individual. Nowadays the greater freedom resulting from colonization has reduced the frequency of such cases. Nevertheless, because of the reasons given, they still occur. But more frequently the ceremony takes place in a normal fashion. As long as it has not taken place, no further bride-price payments are made. This fact is sufficient to show the importance of the ceremony in Nkundó law, and thus the importance of the woman's public and official consent to the marriage proposed, though this consent is not expressed in words but only implied in a special, meaningful act. Cases which seem in contradiction to this statement are clearly breaches of that law.

In normal cases the father accepts the arrow or the rings from his daughter's hands and thus establishes his consent to the engagement and consequently to the marriage.

In other forms of marriage, which we will discuss later on (Chapters III and IV), consent is expressed in an entirely different fashion.

3. Abduction

583x Even before the coming of the Europeans there were instances where lovers persisted in their desire to marry in spite of the opposition of the woman's parents. When the parents refused to accept the ijulɛ, the engaged pair arranged an opportunity to flee. The woman tried to win her brother over to her cause, and out of brotherly love he usually

583 accepted the arrow from the hands of the ndonga. Otherwise the latter secretly planted it in the roof of the parents of the woman who was fleeing. Later, when it was apparent that their daughter's marriage would hold good, and their son-in-law had pacified them by his good conduct towards them (giving them gifts, showing them respect, etc.), the parents no longer refused their consent. Subsequently the payments were made in the usual fashion. [115]

4. The departure of the fiancée

584 Through the payment of the ikulɛ a woman is at least partially bound to her husband (bóme). The maxim cited in the last chapter (Part 2, Article III, 2, B) is applicable here: "Boimbo fruit which is still under the tree belongs to no one." As long as a girl lives in her parents' home she is bound to no man. But as soon as someone has paid the ijulɛ, she has been "picked" and belongs to a husband.

Therefore, either immediately or within a few days, she leaves her parents and follows her husband. (1) Actually, the father may dismiss his son-in-law and promise to bring his daughter himself, or send her by someone he has delegated. Meanwhile he collects a few small provisions. When the fiancée arrives in the village of her future husband, all the inhabitants gather at the first cries of "bompɛka wä Söngólö aövɛ, "X's fiancée has arrived," and acclaim her joyfully.

The term bompɛka is not used until that moment. (2) But does

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1. As we will see suo loco (Chapters IV and VIII) this was only rarely possible in precolonial times. Nowadays it has become a common practice because of the changes that have taken place, which will be described at the places cited.

2. This word also means "engagement." The Ekonda say esengɛ or chengɛ.

584 not a woman become bompɛka through the payment of the ikulɛ? That is what I had always understood, and it seemed logical to me. But in the course of a discussion on the subject, natives contradicted me and said that I was entirely mistaken. I could not make them accept the idea that although a woman is called bompɛka when she arrives in her fiancé's clan, she actually becomes bompɛka with the official payment of the ikulɛ, so that nothing but a manner of speaking is involved. They said, "No, as long as a woman has not gone to her husband she is not bompɛka."

"But after all," said I, [116] "a very minor difference is involved; the essential thing is in any case the payment of the ikulɛ.

"It is true that a woman belongs to her husband from the time the ikulɛ is paid, but she is nevertheless not called bompɛka. She is not given that name until she leaves her parents and goes to her husband's home."

"But why?"

[621] "Because otherwise the man runs the risk of being mocked and ridiculed. Suppose that after the ikulɛ he comes back home alone. His future wife is to join him in a few days. He announces the great news to his friends. Then on the day set she does not appear. What shame for him! On the other hand, if everything is kept secret until the moment when no change is to be feared, there are only cries of joy."

On the other hand, this data should be related to the indisputable fact that the payment of the bride price alone very seldom establishes a marriage according to the laws and customs of the various peoples of the Congo. There is almost always another ceremony which in most cases is the handing over of the woman. Because of these facts we are inclined to consider the explanation of the Nkundô, an explanation of convenience which shows the practical aspect of the rule but does not account for it. It actually does not explain why a woman does not become bompɛka from the time of the payment which establishes the engagement. On the other hand, it is undeniable that she is not given that name until she has arrived at the home of her husband. It is possible that the fundamental reason for this phenomenon has been forgotten or lost sight of by the natives. The explanation which fits best with the facts that are certain is that the essential

584 element of the engagement is not the payment of the ikulɛ but the woman's act of leaving her family and joining the man to whom she is engaged. (1) [117]

1. I am deeply grateful to the attorney general, Mr. A. Sohier, for having drawn my attention to a comparison of these practices with the law and practice of other peoples of the Congo and having made me investigate the legal aspect of this question.

5. The fiancée's arrival at her husband's home

As I have said, the fiancée is welcomed by her husband's clan and enthusiastically acclaimed by the population in general.

According to most cases, her husband-to-be receives her and takes her to his home or to that of his parents. The latter await her arrival, having gathered together their daughters, sisters, and various relatives and associates. The fiancé introduces the woman of his choice to them. She is greeted in the usual fashion: "w'ìng:oôkita; oôyɛ; oôɛtswa, etc.." depending on the extent of their previous intimacy.

Then gifts are given to the fiancée. First the parents-in-law give her a welcoming gift, called besambelo, literally translated as "handclasp." It usually consists of a ring or a knife. Then they give her their hands. (1) Following them, all relatives and associates

[585] 1. The Nkundo clasp hands as a sign of friendship. The gesture is a sort of greeting. They don't press the hand,as do Europeans but place the hands lightly over each other and then withdraw them, rubbing gently.

must do the same. The men usually give a ring and the women a knife. These objects are considered as part of the bride price, and the

584 woman sends them to her family. Distant relatives fulfill their obligations by bringing meat or fish, and nowadays also money or some small present, which is not included in the bride price.

The husband's gifts consist of a small knife and a few (5) arrows (at the time of the Independent State a bundle of copper wires called nsgelo or mitako and at the present time 5 or 10 francs, for example). These presents from the husband are not bosambelo, for he does not give his fiancée his hand; they are yěkola (greeting) and are not part of the bride price. The woman sends them to her parents.

591 If the husband does not yet have a house or cultivated fields of his own, [138] as was formerly often the case, (1) the engaged couple

[734] 1. Orphans were almost the only ones who had their own houses and cultivated fields. Of course, we are not speaking of men who were previously married.

live in the hut of the parents for the time being. The woman obtains food from her mother-in-law's fields and prepares it at the hearth of the latter, until the young man has built his hut and established his own fields.

Nowadays it no longer happens that a young man who wants to take a wife still lacks his own house. From the time of puberty on, young men moved by the desire for freedom leave the parental home and build huts for themselves where they can live alone or with some companion or other and enjoy their freedom.

6. The life of the engaged couple

584 The bompáka lives in the home of her husband, goes there to talk to him and to sleep with him. During the first three or four days she does not work, unless she is a very active person. Subsequently she takes care of all the household tasks and prepares meals at the hearth under the supervision of her mother-in-law. Only after a few weeks, when she has become accustomed to her new way of living, is she introduced to the customs of her new family; only

584 then does she acquire her own establishment. From that moment on she lives permanently with her husband-to-be.

She has come from her parents' home empty handed, without any utensils whatsoever. In her new dwelling she finds everything. Her mother-in-law and sisters-in-law give her what she needs: baskets, pots, gourds, mats, mortars, pestles, and even chickens.

It will be apparent from the preceding that there are no particular rites or ceremonies nor is any special attire worn.

584 By this time the bompɛka is already considered a wife; [119]
595 she has all the rights and duties of that status: cohabitation, household tasks, etc. Everything she produces or earns belongs to her husband. Her own family no longer has any rights to the fruits of her work. If, after the payment of the ikulɛ and before any further payment,
[illegible] the husband discovers that there are relations between his fiancée and another man, the latter is considered an adulterer and is liable to the sanctions designed to check such infractions. The older the woman, the greater the indemnity, which may be as high as 5 to 10 rings (see Chapter VI, Article VII).

It is logically consistent with what we have described that the fiancé has no special name. Since he is actually a husband, that is what he is called (bǒme).

During this period the engaged pair get to know each other physically and morally (sexual relations, work, temperament, virtues, faults). A figurative expression is used to describe what happens -- bɛ́kɛ́ngola mpokɛ́, "they are trying out the pot." The explanation
[845] for this saying is that before a new pot (mpokɛ́) is used, it is placed on
[252] a shelf above the fire and left there for several days, so that it will harden and become heat resistant. If it cracks it is not suitable for food preparation; if not, one can cook in it without fear. This process is called bɛ́ngola mpokɛ́, and the term has been transferred to the trial period of the newlyweds. Thus it is a sort of novitiate, and the English term which can be used to approximate this situation most closely is clearly "engagement," "engaged."

This first period can last several months. Meanwhile the husband seeks the valuables needed for the ndanga payment.

7. The ndanga

583x 584 Originally the ndanga for marriage was the payment of a knife (hence it is still called [120] ifakɛ́, "knife"); it was later replaced by 2 to 5 copper rings, and now by 5 to 10 or even more.

At the present time ikulɛ́ and ndanga tend to merge, since both have become payments of rings, and they are often given together at the same time without being distinguished one from the other.

In the main the handing over of the ndanga takes place in the same manner as the payment of the ikulɛ́, but with greater solemnity. The young man and his father (or a substitute for the latter), together with the ndonga and a few close relatives, especially the mother, go to the home of the fiancée's parents. They are received with the usual marks of courtesy and affection. They sit down on one side of the loɛ́njɛ́, and the woman's family sits on the opposite side. First of all, the latter ask for news, that is, they inquire into the purpose of the visit. The young man's father answers: "We have come to pay the ndanga," tooŷ'ɔ́kɛ́kya ndanga (or ifakɛ́) meaning literally, "we have come to hang the ndanga (or the knife)." Then the father-in-law gives the ndonga a gift of welcome (lionja). It is a smoked botɔ́mba, or one or two bokɔ́sa fish, or a hen; a bunch of bananas is added.

The fiancé and his family will receive, for example, a goat, a dog, and some hens, which are considered part of the nkɔmɛ (see below, Article VII), as well as meat, smoked fish, and a few bunches of bananas, which he will dispose of with his wife and family and which are not considered part of the nkɔmɛ but are simply a present.

They then proceed to the payment of the ndanga valuables. It must be done through the medium of the ndonga, who also had to hand over the presents, etc. It is not necessary that the fiancée participate nor even that she be present. [121]

Sometimes when the ndanga is paid, the woman's family ask for beɛ́ngo gifts which should theoretically be made only on the occasion of the next payment, (see below, Article VI). Sometimes the husband satisfies these requirements; other times he gives only a pledge (wěko). He could also refuse the greedy parents. But he

584 cares too much for his wife, so he acquiesces to their desires without
585 a murmur.

What is the purpose and the significance of the *ndanga*? The natives reply: the *ndanga* is given so that the daughter would not burn herself at the fire, *bɔ̃n'ɔ̌kɔ̃ɔ́ ɛ́fɔ́y' ɔ́longola tsɛ̌*. This is a sign that the man takes responsibility for any accident (represented by the general term "burn") which might befall his fiancée. In the hands of the woman and her family, it constitutes public and official evidence against the husband. (1) Consequently, it is also a guarantee to the parents that the husband will take care of their child and treat her properly.

But what then is the *ikulɛ*'s reason for being? The Nkundɔ reply: "The *ikulɛ* is evidence, a sign that the woman belongs to a particular man."

In practice, then, there is hardly any difference between the purposes of the two payments. Actually they have identical consequences, both with respect to the duties and rights of the engaged couple and to the indemnity to be paid under certain circumstances.

Thus if a woman runs away with her lover and he has not given the *ikulɛ*, and some accident befalls her, her family can make no claim as they have no evidence against him. In former times this would have been a purely hypothetical situation; nowadays it does occur, but it is quite unusual in the native areas.

Nevertheless, a slight difference may be noted between the explanations for the two payments given by the natives. [122] The *ikulɛ* is simply proof of the engagement; the *ndanga*, on the other hand, is the recognition of responsibilities and their acceptance. The fiancé beats his breast, as they say (*ɛ́yakɛ́ndela ntɔ́lɔ́*).

We have said that the *ikulɛ* and the *ndanga* are in the proces
178, of merging. This developement is probably due to the fact that both
583
584 payments are made nowadays in the form of brass or copper rings.

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1. Hence, probably, the origin of the word *ndanga*. The root is *langa*, "to love," "to desire," therefore "to accept." In Lokonda, see *lolanga*.

584 585 178 But if the indicated difference between them were fundamental, this fact would by no means provide a sufficient explanation. On the other hand, if it were only a slight nuance without practical consequences, it would not, it seems to me, adequately explain the existence of the two payments, especially since in the past quite a long time could elapse between them.

Therefore we can wonder whether the basis of a greater differ-
174 ence might not be found in the hypothesis of its being a primitive
583 custom.
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For instance, the *ikulɛ* could have been the payment accompanying a proposal of marriage comparable to our European engagement. Then, when unresolvable palavers developed out of this situation, a system may have been devised which would not prevent disputes from arising but would make possible their resolution according to proper and just legal regulations. This system would have been the payment of a *ndanga*.

While this is a possible explanation, it is not a very plausible one. Native law appears in all domains so reasonable, cautious, and wise, and so well adapted to circumstances, that it would hardly have left a way open to so great a source of difficulties in so important a matter. Such a possibility can hardly be admitted by any one who is even slightly familiar with the mentality of the Nkundó. Then, too, the modern blending of the *ikulɛ* and the *ndanga* suggests that one of two is duplicating the function of the other. And the consequence of this development would have been the uniting of the two payments into one, with a single purpose, or more probably, in conformity with the general practice, the transferring of the significance of a pledge, theoretically assigned to the *ndanga*, to the *ikulɛ*. [123] The existence of a single engagement payment would have been much more in accordance with the present hypothesis than the practice of making two distinct payments, which are independent and separated in time. We should add here that the acceptance of a responsibility is always and under all circumstances accompanied by the handing over of a *ndanga*.

We could conceive of a second hypothesis, which seems more in accordance with reality. The *ikulɛ* may originally have been an engagement payment, as in the first hypothesis, only the girl may

174 not have accompanied her husband to his home. She would have re-
584 mained with her parents, and her fiancé would probably have had per-
585 mission to visit her and to have sexual relations with her; as we have seen in the preceding chapter, native law does not oppose such relations. Since the mutual desire for cohabitation could not be put off for the period of time -- often long -- required before the bride-price payment itself could be arranged, the girl's parents would have given their child permission to follow her heart's inclinations which -- let us repeat -- could provoke only difficulties of a legal, "civil" nature. And before the fiancé could take his future wife home with him, he had first to reassure the parents and free them from their responsibility by taking it upon himself in an official manner, that is, by giving proof of his willingness to accept all the consequences of his action. In Lonkundo such a pledge is called *ndanga*. Later on, the time of cohabitation may have been begun earlier, by permitting it from the time of the *ikulɛ́*. Thus in practice the reason for the existence of the *ndanga* would have been transferred to the *ikulɛ́*, and the *ndanga* would have been retained simply as a payment imposed by custom, until the day when the overthrow of ancient customs made the Nkundó perceive the logical consequences of the facts, resulting in the merging of the two payments into one. This hypothesis is also confirmed by the fact that the very name *ikulɛ́* is tending to disappear, [124] yielding to the use of the single term *ndanga*. Finally, to align this hypothesis with the facts pertaining to the term *bompɔ́ka* presented in number 4, we must assume that in the past the fiancée moved to the home of her husband only after the *ndanga* and consequently became *bompɔ́ka* only at that time.

8. The breaking of an engagement

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The breaking of an engagement does not involve great legal difficulties. Both the man and the woman are free to break it if they find that they are basically incompatible, or that the prospects for happiness are not good, or for any other reason. There are certain practical stipulations, however.

584 A young man who renounces his fiancée places her in the hands of the *ndonga*, who sends her back to her family.

The woman who does not want to continue their life together leaves her fiancé, perhaps telling him and perhaps not, first goes to the *ndonga* and then returns to her parents (nowadays she sometimes does not see the *ndonga*, although not doing so must be considered an infraction of the rule).

In practice she may also go directly to another man. Formerly it was dangerous to do so, since a war could result, and such an action was considered against the law. At the present time the greater freedom resulting from colonization has eliminated the dangers involved. Thus this lack of proper procedure has become more frequent and is even coming to be recognized as normal.

584 585 In any case, even if the woman has neglected to go to the *ndonga*, the latter is sent by the fiancé to examine the situation and to claim restitution of the payments that have already been made.

Strictly speaking, the breaking of the engagement consists in the restitution of the *ikulɛ-ndanga* through the mediation of the *ndonga*. But, as we will explain more fully in the chapter on divorce, gifts given by the woman's family are deducted. [125] Complete restitution of everything must be made. The woman's family cannot even invoke the work done by their daughter for the husband's benefit.

583 177 584 Nowadays, however, the custom of dividing the amount of the bride price in excess of the *nkomɛ* (1) is taking hold. The woman's parents demand a certain indemnity because they consider that the husband has lost the right to his valuables; if they do not withhold them altogether, it is because of the respect and embarrassment they feel toward the *ndonga*, who is related to the fiancé as he is to them.

The natives try to explain this change in the ancestral law as follows:

1) An engagement is meant to develop into a regular marriage, and that is its only validity. The fiancé's right to the woman's work

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1. See below, Article VII.

584 is based solely on the nature of this state, which is a direct prepara-
583 tion for married life. Therefore, if the union is not completed, the
177 fiancé is enriched at the expense of the parents-in-law.

2) When an engagement is broken, the parents lose the legitimate and normal expectation of a full bride price; they consider this loss lucrum cessans.

The natives' justification is not sufficient to explain the origin
584 of the change, however, for:

583 1) It seems likely that the Nkundó have simply imitated the
174 practice of other peoples of the Congo with whom they have become
177 acquainted since colonization, and that their explanation is but an
explanation of convenience.

2) The reasons invoked in favor of the change are not new; they were equally valid in the past, and such as they are and in themselves they are therefore insufficient.

3) If we examine the reason concerning the benefit that the fiancé derives from the [126] woman's work, we find that it is based on a fallacious argument. For Nkundó law recognizes, on the one hand, the legitimacy of this gain and, on the other, the right of each party to break the engagement. Simply the breaking of the engagement cannot, therefore, result in the payment of an indemnity, since one cannot possibly be punished for having made use of a right.

4) The above objection is also applicable to the second reason given by the Nkundó: the possibility of the bride price not being paid is inherent in the essence of the engagement, since both parties are free not to go through with the union.

Thus the reasons given as such must be rejected.

Nevertheless, it is possible that modern circumstances have to some extent modified the nature of the problem. Thus:

1) The introduction of European wage labor and trade has given the Blacks a new idea of wealth. Consequently, the benefits reaped from the engagement have become much greater (through the development of trade and the availability of more varied goods and greater riches), and therefore the economic value of a woman has increased in considerable proportions.

Theoretically, these changes might justify some indemnification. In practice, however, economic development has increased the

583 amount of the engagement payment and thus counterbalances the in-
584 crease of the profit brought by a woman.

174 Indemnification for economic reasons would also have one
177 good result, namely that it would prevent a possible skewing of the system into a form of exploitation which would consist of taking fiancées for a time when they are needed for some special work and sending them back when the work is finished. [127]

But it must be noted that though the precaution may be good in itself, it is not called for under present circumstances, for the Nkundó do not even think of such a corruption of engagement customs.

2. Colonization has considerably reinforced -- or perhaps even introduced -- in native thinking the idea that the favors of a woman deserve a salary. I think that these circumstances have contributed much more to the origin of the new practice than economic changes -- or rather, that the justification for it is primarily based on this idea of venal love. And in that case we have before us a pretium stupri of a sort that could foster prostitution, and which is therefore in opposition to morality and public order.

Just as we must applaud the normal developments of the custom and its adaptation to the possibilities of social and moral elevation that colonization has created, so we must react against its corruption, aberrations, deviations, and a drift toward the exploitation of faults and vices.

Another objection against the innovation may be made on the grounds of its inconsistency within Nkundó law. Since there is no indemnification in the case of divorce, how is it possible to accept it in the case of the breaking of an engagement, which is a much weaker commitment than marriage itself? It is true that a Nkundó engagement is almost a marriage, since it includes cohabitation, etc.; nevertheless, it is not as tight a bond as a permanent union, from which it is clearly distinguished. The new custom leads logically to the conclusion that it is preferable to complete the union and make it definitive by paying the entire bride price and then to break it by means of a real divorce, which does not involve this financial loss.

Finally, although an indemnity based on the increase in the fiancé's profit from the engagement cannot be [128] condemned as

585 unjust in itself, it certainly becomes so if it is considered a penalty
584 inflicted for the rupture. For the indemnity is restricted to the man,
174 whether or not he is in the wrong. Furthermore, to accept an indemnity
177 even when the engagement is broken because of the woman tends to
favor frauds and real swindles on the part of the woman and her parents,
in short a kind of traffic in women.

It is also evident that the rich (polygamists) suffer much less
[585] from the innovation than do monogamous men, especially those who
[174] adopt monogamy as a principle and more especially the Christians,
who do not condone divorce. Thus I am of the opinion that the desire to defend polygamy against the doctrine of the missionaries is not entirely unrelated to the transformation of this custom.

000 All these considerations show that the question is highly complex and that it would be better if the ancient custom were restored.

If the breaking of the engagement is due to wrongs, the new custom could perhaps be tolerated, though it is not without serious dangers, but the indemnity should be imposed exclusively on the party at fault. Furthermore, the wrongs would have to be serious, and on the other hand, the indemnity would have to be, not in the nature of a forfeit, but of a payment of damages commensurate with the extent of the damage suffered and the seriousness of the wrong. And here those cases should especially be considered where the breaking of the engagement is accompanied by proceedings of a vexatious and insulting nature. And though it is a very delicate task to evaluate all these elements, we must not forget to take them into account.

It seems to me that the ancient law must still be maintained when the engagement is broken simply because of a change of feelings for which neither party is to blame, if such a case occurs. For it is better not to innovate than to innovate too fast. [126]

Article IV. *Walo* -- *Bombolaku*

583x The *walo* or *bombolaku* is the bulk of the bride price paid for a marriage. Between the payment of the *ndanga* and that of the *walo*, 585^d months, even years, may elapse. In the past there was no hurry at all. Only if the father of the woman needed the bride price to obtain a wife for himself, for a son, or a cousin, etc., was the period [118] shortened. Nowadays, however, those who are entitled to the bride price urge the shortening of the interval before the walo payment because of the overexcitation of their desire for riches, on the one hand, and also because it gives the young people a possibility of leaving their tribes and regions and going into the centers to find the means of earning more money, dressing more luxuriously, satisfying their vanity and their desire for freedom, not to mention libertinism or even worse. Nor has the one reason present in the past disappeared -- on the contrary. And as a result of all that, as soon as the interval becomes a little long to the girl's father's taste, he readily brings the situation to the attention of the chiefs established by the administration, who are always ready to deal with matrimonial cases as much for the financial gain involved as for the increase in their prestige resulting from their involvement in this most important realm, in which according to ancestral law they have no right whatsoever to intervene, for the simple reason that this law knows no chiefs or headmen in the European sense.

1. Terminology

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192 The term walo is used by the Bonkoso, the Bongili, the Bombwanja, and the Ilonda; bombolaka, on the other hand, is used by the Wangata, the Bakdela, the Lifumba, the Injolo, and the Bofiji (as well as the Elinga and the Losanganya). The Bombomba use the term elámbela in imitation of their neighbors, the Ekonda.

This last term may be related to -lámba, [120] "to prepare food." This derivation should be compared with what we have said in Article II about the remuneration of the ndanga. I have been unable to discover the etymology of bombolaka. Let us try our luck with walo.

In accordance with the rules of Nkundó etymology, this word could be related to the root -al, or to -alal, which is an intensifier derived from the former. No example of the simple root exists at present, as far as I know. But there are derivative forms: alaj and alal, or -aal which results from the elimination of the first "l."

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192 *-Alej* means "to place in layers," as for example one would place eggs in a basket, bricks in an oven. The noun derived from this word is *jwalo*, "layer" and, by analogy, "shelf." By extension it is used to signify whatever is placed between layers to protect them, and also the lining of a garment. It is difficult to find a relationship with the word *walo* here.

-Aol may be used as an intensifier and also to reverse the meaning or a word. The latter use results in a noun ending in a final "o" as in *jwaló* of *aola bangáńja*, "to pour out the vegetables." Thus it must be excluded.

In its other meanings this verb occurs in combination with several nouns. It occurs first of all with *walo* when this word is used to signify the beating for small game. (1) In addition it is used to mean "to collect and gather weeds, chaff, sweepings, ashes." The action is called *jwalo*.

The most natural conclusion is certainly that the noun under discussion should be placed together with *-aol* in the meaning given last. The word would then refer to the relatively large amount of valuables deposited. As a matter of fact, the act of gathering chaff, etc., is practically and physically identical with the act of picking up rings, etc. A difficulty stands in the way of this explanation, however; [131] the expression is not *-aola walo*, but *eola walo*, or *eola balómbá* not only for this particular payment but also, *mutatis mutandis*, for the various payments and presents connected with marriage, such as funeral payments and gifts given at the time of death. (1)

In any case the term *walo* has not the slightest etymological connection with the word *wálí*, "spouse," nor with the root *-bal*, "to marry."

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1. The expression *tumba walo* is also used.

1. This verb *-eola* indicates rather the quantity of objects picked up and is used in many other combinations. A noun *njeló* means "a large number of objects" (especially fish).

2. The nature of *walo* valuables

583x The *walo* primarily consists of copper and brass rings. Wrought
[301] metal objects (*bifeko*), such as spears, knives, or axes are also added.
[326] Nowadays a part may be made up of simple brass or iron (steel) bars.
[435] Goats may be given in addition; a she-goat is worth 5 to 6 rings
(nowadays 10), and a he-goat, 3 to 4 *bakonga* (nowadays 6 to 7). One
or more *elónjé* bells are greatly prized as gifts.

583x Payment in iron or copper chains (*bengé-nyola*), in various
435 kinds of bead necklaces, and in leopard's teeth has almost entirely
disappeared. Formerly, certain kinds of beads had great value; the
big, round bluish-white ones (*lonyóngu*, pl. *nnyóngu*) were worth
1 *konga* each, the big, oblong blackish ones, cylindrical or rectangular
in shape, 2 to 3 centimeters in diameter and 5 to 10 centimeters long
(called *nkángé*) were worth one slave or, nowadays, 20 to 25 *bakonga*
each.

583x Copper (*konga*) and brass (*kóngo*) are the most important of all.
Thus paying the bride price is often referred to as *énga la kóngo la konga*.

The statement by R.P. Kaptein (in *Congo*, 1922, Vol. 1, pp.
[14] 452-543) that original valuables were the *benkata*, the *bingetele*, and
the *mitako* is based on an error. [132] The first two types of valuables,
also called *bendóngu* by some tribes, were used exclusively by the
Ntómbá of Lake Tumba and the adjacent Ekonda (Bosanga, Balingó,
Lonyanyanga, etc.). The *mitako*, known in Lonkundo as *nngelo*,
[436] singular *longelo*, are not native; this monetary unit was introduced by
the Independent State.

The practice of making the payment at least partially in
[177] money or in objects of European origin (such as fabrics, blankets, sewing
machines, trunks, household utensils, etc.) is gradually being introduced.
Before the crisis it was already very popular among "white
people."

3. The source of the valuables

A young man obtains the valuables for the bride price in various ways. The most usual way and the one which also conforms best to the Nkundó's familial and social regulations is the use of valuables

583 received as bride price for a sister, aunt, niece, cousin, etc.

If he has no female relatives (ofiranyi, bomena), or if no bride price to which he is entitled remains, he may receive a part or all of the needed capital from his father. The various members of his family each obtain either 2, 5, or from 10 to 20 rings for him [454] that they have been able to save from bride prices they have received or which they have acquired as belonga (see Chapter VI, Article V, 1), as any kind of remuneration (for work, for judging in a palaver, for mediation as nkonga, etc.), the sale price for animals, streams, or ponds, or as damages or settlement of some debt.

585 602 Indeed the worst mischance that may befall a man in love is not to have a bride price readily available and to have to set out in search of the necessary valuables anywhere he can find them. These trips take a good deal of time. For these things are not done with the great speed of nervous Europeans. He cannot simply send a message [133] to uncle X or to the husband of aunt Y, or even go to them and explain the purpose of the visit, and expect to be able to leave at once with a present. His hosts keep him for days and weeks. "Wait a bit, I will find some for you; stay a while longer, then we'll see; it's been so long since we've seen you, you can't leave so fast," etc. Quite often in fact it is entirely in the young man's interest not to leave in a hurry; he must sometimes perform a great many small services for them to win their good will, and it is even expected that he will perform larger tasks such as helping with clearing, building a hut, hunting, etc. A European would need the patience of an angel. But even the young natives, who are sometimes relatively nervous and excited, especially because they want to conclude the matter of the bride price, and who in any case do not as yet possess the calm of the older people to whom they go, must be capable of resignation and perseverance. Hence the proverbs: lokámo ntáfundólaka bakonga ndá [539] lifaya, "haste will not dig up rings in foreign territory" (bakonga are often buried in the ground for better safekeeping -- a useful precaution particularly in the past, when there were brawls between villages, and raids), and bonwa w'lokóla ntáingólaka bakonga ndá lobgende, "a child's mouth does not unroll rings in the course of travels" ("unroll" -- that is, from the feet of the wife of the relative being visited).

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Thus there is no special family treasure upon which the various members can draw to obtain wives. But since bride prices paid out generally come from bride prices received, and all the wealth which comes to the family as such (that is, which is not the result of purely individual and personal work by one member) is to some extent owned by the members in common, it may be said in a sense that all the members of a family share rights in the wealth of the group. However, their rights exist only to the [124] extent of their kinship and as regulated by the family council.

Even members of the family who are not legally required to do so are not unwilling to give to a relative whatever portion they can save for him. Nevertheless, I know of isolated instances where assistance was refused, either out of avarice or of opposition to the proposed marriage. But such a refusal is a neglect of the duties of kinship, and its gravity depends on the relationship between the individuals involved. (1) A refusal on the part of the mother's family

1. Remember what has already been said, namely that we must always clearly distinguish among duties imposed by law and those imposed by kinship, friendship, decorum, courtesy, and social proprieties.

almost never occurs. For they have been enriched by the bride price received for the young man's mother, and consequently he is always entitled to the bride price paid for one of the daughters of his mother's nkita (a nkita is a woman obtained by means of the bride price that has been paid).

583^2
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Therefore he goes to his maternal uncle (nyangō-mpámé (2)

2. Literally, "male mother."

or nya-ngōbōka among the Wángatá, Bokála, and Lifumba). This uncle always helps him, whether his means are great or small. Under certain conditions the nephew may even claim rights over his uncle's harem. But here we must distinguish between different cases. (Let us

585 604 not forget that we are speaking of a young man who has not yet received a wife in his own clan.)

1) The uncle has priority rights if he has only one wife, even if she is the nkita of the nephew's mother. If that wife cannot live in peace with her husband, however, and if she is always trying to break up the marriage and go to another man, the husband's family can itself intervene and assign the wife to the nephew, if the couple love each other. By this means they try to prevent her from going elsewhere; it is preferable that she remain within the kin group. For if the marriage is broken and she leaves them, the family becomes involved in a long restitution process, [125] giving rise to numerous difficulties and to an end of revenue -- if that expression can be used -- from bride-price valuables.

2) If his uncle has two wives, the nephew can claim rights only over the one acquired by means of his own mother's bride price. The exception cited under item 1) holds even more true in this case.

In the two situations cited above, however, the family tries to appease the nephew by assigning to him the expected bride price of a female cousin. They do not yield to his demands unless no other solution is available.

3) If his uncle has several wives (four, five, or more), the nephew has the right to take one of them, if none of them were acquired by means of the bride price paid for the uncle's sister, that is, the nephew's mother.

585 604 928 If any of these eventualities materialize, the nephew is required to leave his father's clan (wisé) and to enter his mother's family (bonyango). Actually, he is not averse to doing so. For we may suppose that in his father's kin group he has neither wealth nor future, while in that of his uncle he finds all he needs. He is considered his uncle's own child, and even has seniority over his cousins. He is their father (isé) and consequently has precedence over them; and he can succeed his uncle as family patriarch. Moreover, upon his uncle's death he always inherits one of his widows and becomes the first -- and often the only -- successor after the brothers of the deceased. (1)

1. This inheritance right is valid even if he continues to live in his own clan, in which case, however, it is impossible for him to become the chief or only heir.

583 604 These rights prevail even if the nephew has wealth at home. In that case -- which is extremely rare since ordinarily he prefers to remain with his own clan -- he does not make use of them if his uncle has only two or three wives (whom, however, he can inherit), [576] or if other close relatives [126] are in need. For to do so would show a great lack of affection for the family ([illegible]), and he would be severely reprimanded.

Because of all that, the nephew ([illegible], "sister's son") sometimes abuses his rights. That is the basis for the following proverbs: nkoi [illegible], "the leopard takes the owner of the hunting enclosure" (that is to say, the hunter); [illegible], "the nephew abducts the uncle's wife even in his own domain"; [illegible], "a nephew is a stick overhead." This last proverb is the Nkundo version of the sword of Damocles.

In short, a nephew has a right to the assistance of his maternal uncle if he settles with him and is adopted by him. Upon the death of his uncles he becomes heir and head of the family. But his rights are second to those of his uncle's brothers, who are also his "mothers." If he remains in his own clan, he receives help and can even obtain the bride price of one of his female cousins born of his mother's [illegible]. He may even receive part of the inheritance, if it is large. His rights are based on the fact that his uncle was enriched by the valuables given him by the nephew's clan in payment for his sister's marriage.

583 576 Finally, if a young man does not even have any close relatives, because all are deceased, and if for some reason he has no patrimony (because of dissipation, debts, exploitation of the weak by the strong), he is forced to procure the bride price through his own labor: carving, hunting, fishing, setting elephant snares, making traps and hunting enclosures, clearing fields, or, nowadays, working in the service of the Whites. In former times there was also the possibility of war or raids by which he could obtain valuables or prisoners to sell as slaves. The wealth which someone acquires by his own work is called [illegible] ([illegible], etc.) [illegible] (literally, "by the strength of his arms"). [127]

4. The amount of the walo

583* Formerly the amount of the walo averaged 20 to 30 bakonga, or their equivalent. The value of any object included in the bride [436] price could be calculated in copper, so that the konga was, so to speak, the monetary unit of the Nkundó.

At the present time in the districts near Flandria, the minimum is from 55 to 60 rings. Among the Bolongé and the Injóló the rings [434] are noticeably bigger and their weight in copper or brass is greater; there the minimum can be 30 rings. Elsewhere the figure is a good deal higher.

The price of the walo generally exceeds the minimum, which is found rather rarely. The average is about 60 to 80 rings. The number of 200 is reached only in extremely rare cases and it is exceeded even less frequently (see cases given below).

Differences in the amount of the walo are due primarily to the relative wealth of the contracting parties, the husband's valuation of his wife, the greed of the latter's parents, and the size of the bride price demanded for the woman they want to obtain with their daughter's (sister's) bride price. The cases of women who have left their previous husbands also must not be forgotten, for the new bride price must serve to reimburse him.

The amount of the walo may also be increased to satisfy the [556] vanity of the woman, who wants to appear superior to her companions, or of the husband, who wants to be recognized as very wealthy. (1)

1. The man who pays a great deal for his wife is given the honorific epithet etíkobwo, "wells and mushrooms." All can find as much water as they want at wells, and there the mushrooms multiply. Thus many can benefit from the riches brought by the son-in-law.

[578] It is not unusual to hear of a woman boasting in the course of a dispute: "I am not a slave; my husband paid so-and-so much for me. [130] But you -- your husband doesn't love you, or else he is poor, for he paid only so much."

583 The husband has a second reason for making the walo large: by this means he can bind his wife and his in-laws more closely to him. For the larger the walo, the more difficult it would be to reimburse the husband and therefore to break the marriage. Thus a man will pay a larger amount for a woman he cares for particularly. For their part, his parents-in-law will say: "We must remain on good terms with our son-in-law, for he is generous and wealthy." And if there is a palaver in the household and their daughter wants to leave -- or actually leaves -- her husband, they will be all the more inclined to do everything in their power to smooth out the differences and make her return to her husband's house. They will say, "We have collected so many valuables from him, how would we find the means of reimbursing him?"

583 587 If a daughter remarries, her parents can demand not only the amount required to reimburse her first husband, but also a supplement for themselves. It is not considered proper to ask too much, however; 10 or 15 rings are usually enough. It follows that a woman's bride price rises with the number of husbands she has had.

583 The chief reason for the amount of the walo being reduced has always been, and still is, the payment of the bosongo (see Article IX) at the same time with, or immediately after, the walo. It explains the low walo payments in cases 21, 25, 27 and 28b in the list which follows. Nowadays there may be new reasons. Among Christians, for example, a brother may want to help his widowed sister so that she will not have too long to wait before remarrying; or orphans born somewhere in a distant center may have been more or less abandoned by their families (as in case 17). To give some idea of the walo amounts,

583 587 I have copies a few cases out of our bride-price records of Flandria Mission. Next to the women's names I have indicated their tribe of origin, then the amount paid for them (in bakonga), and finally the year of marriage. [120] The numbers at the left denote their order in our books. (1)

1. These records are kept because we require that at least the walo be paid before the marriage is celebrated. I should point out that, in an isolated instance, the [illegible] may

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[771]

have been included in the amount given for the walo.

No.	Name	Tribe	Amount of Walo (in bakonga)	Year
2.	Bolumbu Monica	Bonkoso	100	1929
4.	Ilumbe Sofia	Bombwanja	80	1929
12.	Lokole Maria	Elinga	100	1930
13.	Baata Joanna	Bakaala	60	1930 (?)

2. The same for her sister, Ijanga Paulina (no. 14).

No.	Name	Tribe	Amount of Walo (in bakonga)	Year
16.	Bonkiki Clara	Elinga (Bosaa)	100	1930
17.	Bolumbu Paulina	Bombwanja	56	1930
18.	Ilonga Teresa	Bongili	95	1930
19.	Lombeto Maria	Bombwanja	100	1930
20.	Bawala Catherina	Bombwanja	85	1930
21.	Ilumbe Josephina	Bombwanja	60	1930
22.	Botsinanya Teresa	Bongili	73	1930
23.	Bolanga Joanna	Bombwanja	60	1930
24.	Euma Amanda	Bongili	168	1930
25.	Ilonge Gerdina	Bombwanja	50	1930
27.	Boongi Martha	Bombwanja	56	1930
28.	Nyonyi Loisa	Bombwanja	50	1930
28a.	Loota Joanna	Bombwanja	90	1930
32.	Bolumbu Emilia	Bombwanja	90	1930
33.	Iloko Bonifacia	Bakaala	70	1930
34.	Bolumbu Maria	Wangata	80	1930
36.	Isako Gerdina	Bombwanja	65	1931
[148]				
38.	Mbenga Clara	Bonkoso	80	1931
38a.	Wetsi Teresa	Bongili	70	1931
38b.	Wambela Loisa	Bonkoso	54	1931
40.	Efoloko Martha	Bombwanja	67	1931

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No.	Name	Tribe	Amount of Walo (in bakonga).	Year
43.	Ambe Joanna	Wangata	100	1931
44.	Bokango Catharina	Wangata	0 [sic]	1931
49.	Isia Joanna	Bakaala	70	1931
51.	Imbenda Teresa	Bombwanja	60	1931
52.	Bolumbu Loisa	Bakaala	72	1931
53.	Bosalalambe Loisa	Bombwanja	125	1932
62.	Ilonga Maria	Bombwanja	90	1932

For the sake of comparison here are some other examples taken from the same register:

1. Cases of bride prices paid in other valuables, as well[141] as bakonga:

8.	Eambela Joanna	Elinga	15 b.+ 1200 fr.	1929
20.	Mbelabo Bonifacia	Bonkoso	50 b. + 250 fr.	1930
26.	Nsombo Joanna	Bombwanja	33 b. + 1250 fr.	1931
42.	Mboyo Loisa	Injolo	60 b. + 500 fr.	1931

2. Cases from more distant tribes:

11.	Yonjwa Clara	Boangi	56	1930
5.	Njoo Josephina	Elinga-Bonyanga	63	1929
7.	Nsombo Henrica	Elinga-Bonyanga	51	1929
21.	Boyambe Bonifacia	Elinga-Bonyanga	75	1930
13.	Efenge Martha	Iende	80	1930
28a*.	Oyasongande Martha	Boangi	50	1931
28a**.	Bokuta Paulina	Injolo	40	1931
28a***.	Nsombolo Paulina	Boangi	50	1931
48.	Bongolo Martha	Elinga-Iende	80	1931

[141] Ngombe and Ekonda cases have been omitted.

585 In the second register only three out of sixty-eight cases show a payment of over 100 bakonga (no. 24: 121; no. 44: 120; no. 66: 130); there is one Wangata-[illegible] case of a payment of 202 (no. 15). The latter like the Bombomba have raised the amount of the bride price above 200; they imitate the Ekonda, who have really misused the freedom brought by the white men (see Article XI, 2).

5. Paying the walo

583 585 On the day agreed upon, the young man, his father, and the ndongé go to the home of the fiancée's parents. Other close relatives make sure to attend this remarkable event if they are not detained elsewhere. After the usual greetings but before any other step is taken, the woman's family offers the ndonga a dish of bananas and some animal food (often bonfumbe, bee, or bokófa fish). Then they give the husband various foods: meat or smoked fish (a basketful, for instance), several bunches of bananas, and then, through the medium of the ndonga, a dog, a goat, and some hens which must be included in the nkomé (see Article VII).

Then they inquire for news, that is, they begin to explain and discuss the matter of the bride price. If the woman's family is not satisfied, the discussion is prolonged, and the young man adds the supplement required (usually such a possibility is foreseen in advance and some extra valuables are left with a relative or associate). Sometimes certain rings or knives are not considered suitable; then two may be counted as one, for example, or the objects that have been refused are replaced with others of better quality.

The ndonga places the valuables in front of the group of the woman's relatives.

It is not indispensable that the woman and her fiancé be present. Thus it sometimes occurs that one or the other of the pair is absent. But such cases are very rare and usually occur [143] if it is very difficult for the individual to be present because, for example, he or she is in the service of a European, or if they themselves do not want to lose a few days or weeks and are sure that their respective fathers get along very well with each other so that everything will go beautifully. Usually, the couple themselves want to be there as much as their parents want them to be, for this is a very important matter.

583* 587 If the woman has not yet publicly given her consent because -- as may happen in the case of remarriage after a divorce -- ikulɛ, ndonga, and walo are all being paid at the same time, she now performs that ceremony. We need not describe it again; it is performed as indicated in Article III, 2. But in this instance the woman hands her father one or two rings, or a ring and a knife.

583* 585 Subsequently, the ndonga conveys the valuables to the woman's parents. He asks the husband: yɛlɛ bafɛmba la walo, "bring the walo valuables." The latter replies: "Here they are; hand them over to my father-in-law." The witness takes a few rings and places them in front of the latter, or rather he touches them and makes a gesture of pushing them toward the woman's parents, and they pull them toward themselves.

As soon as the walo is paid, the bompɛka becomes walɛ or "wife." As has already been said, this word has no connection with walo, or with the root bal, "to marry"; etymologically it is related to analogous terms denoting "wife" and "woman" in other Bantu languages.

Article V. Valuables for the Mother

583* 593 Directly after he has conveyed the walo valuables to the woman's father, the ndonga asks the husband to pay the valuables for her mother: yɛlɛ ntaa la nkando [142] yă nyang'ěy'ŏna, "bring the goat and the nkando for the child's mother." The following gifts are given:

1) At least one nanny goat and sometimes two or more according to the situation; never a billy-goat.

[308] 2) Two nkando, which are copper spirals worn on the legs. Formerly, two more for the arms were also required, and old women are still sometimes seen wearing them, but they have become much rarer than the spirals worn on the legs. Instead of nkando, the Elingɛ, the Wăngata, the Bakɛala, and the Ionda use the term mongɛ. (1)

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1. In Lokonda the term is njelɛ.

593x 431/ [501] 3) In the past the mother was also entitled to a *bongembwá* or *bongombwá* (depending on the dialect) (2) a heavy copper necklace. It was worth 5 *bakonga*. Nowadays this type of adornment has disappeared almost entirely. It is no longer demanded, for the mother prefers more interesting objects (see the following article).

2. The Lokonda term is *lonkaá*.

Furthermore, at the present time substitutions for the goat and the *nkando* are being asked for in the form of shoes, suits, fabrics, etc.

The mother justifies her demands by recalling the suffering she has endured in bringing her daughter into the world and bringing her up. The valuables she receives belong exclusively to her and her family; they never pass into her husband's clan. She wears the *nkando* herself, or, if she already has some, she gives them to her sister or her brother, who may have need of them for his wife's bride price. The goats she similarly keeps or gives to her family, depending on her own preferences. Upon her death these valuables are inherited by her relatives, never by her husband or even her own children.

Obviously, the mother's clan has exclusive rights over this payment.

[586] [432] The situation does not change if the mother divorces the girl's father and is married to another man. The "mother's" valuables [144] still belong to her. Even if the separation occurs before her daughter's marriage, she retains her rights to *nyang'éy'ôna*.

If she dies before her daughter's marriage, the valuables to which she would have been entitled are given to the representative of her clan (her father, brother, sister, uncle, etc.)

[588] In case of divorce the husband must be reimbursed for these valuables as for all the rest; but the restitution must be made by the mother's clan, who has received them.

If the husband does not have the valuables for the mother on hand, he gives her a pledge for the payment (*wêko*; verb, *êkya*), consisting of one or two knives or *bakonga*. He could never settle

585ˣ 431 a palaver concerning the bride price without giving at least this pledge. He will then fulfill this obligation as quickly as possible, because most mothers-in-law are so eager for this payment that if the son-in-law is too slow in giving them satisfaction, they do everything to break up the marriage. And often they succeed. They will win their case before the tribunal, unless they have been too short of patience.

Article VI. Presents, or befóngo

After the bulk of the bride price has been paid to the wife's mother and father, her parents as well as various other members of the family demand various small payments and presents called befóngo (sing. bofóngo) from the husband. The noun is derived from the verb -fónga which is only used with it. An analogous reciprocal form, [92] -fóngana means "to touch one another, to collide." Was the original meaning of -fónga "to attract to oneself?" Or are the two verbs totally unconnected etymologically? Whatever the case, these terms are also used to denote the remuneration received by judges for settling a dispute. [145]

There are many varieties of befóngo; some are used by particular groups and unknown elsewhere. The various relatives claim them without following any predetermined order. But in any case it is necessary to go through the ndonga. Each relative therefore tells him what he wishes in a voice loud enough for everyone present to hear; and it is the ndonga who passes the request on to the husband. "Give this or that bofóngo to so-and-so," he will say. Note also that the payment of these befóngo is not absolutely essential. Often requests are only partially fulfilled; others may be refused with some excuse, "In-law, I cannot satisfy you; I do not possess such an object." Thus the marriage arrangement is neither hindered nor delayed because everybody cannot be satisfied. The principal bofóngo for the father (1) and sometimes that of the mother (2) are exceptions.

Let us go into some of the particulars concerning the various befóngo thus requested:

1) Ifaká l'akongá b'ò'oyóna, "knife and spears for the girl's father." This consists of a knife and five spears (or more, depending

575 on the husband's wealth). Theoretically, the knife should be an *efambe*.
451 In practice it is sometimes possible to substitute an *empfte* in an
[412] attractive wooden sheath amply adorned with "copper-plated nails."
At other times the knife and spears may be replaced by their corresponding value in *bakonga*. This is considered the most important
[675] *bofngo*, and therefore no one gives up his claim to it. If the son-in-law cannot present it to his father-in-law immediately, he promises to do so later, and his father-in-law does not fail to make use of any opportunity to remind him of his promise. Some men insist on a *walo* as pledge. Others are satisfied with a piece of *loasi* or a *bosfngf* (splinter or part of the trunk of a palm tree), which the husband gives to the *ndonga* as a token of acknowledgement of his debt and as evidence of his willingness to pay it as soon as he has the means. Some men, however, insist so strongly on the *bofngo* that they will not accept the *walo* [146] before they have received it. Thus, one day recently, Lomanga á Ifatd (Bongili) refused to accept the *walo* for his daughter Ekofo, engaged to Bokungf w'akfyf (of Bongili, Ndongf). He insisted that the father of the latter, Bokungf w'is'fy'ingilf first go back to get his *bofngo*. Since he was unable to find five spears, he substituted for them a second knife and a copper ring. these were accepted by old Lomanga. Shortly thereafter the same thing happened to Bokungf of Bonsole (Bongili), who wanted to pay the *walo* for his fiancée Ngolf of Bofinbo (Bombwanja), the sister of Bongondf, clerk of the Bombwanja. The woman's family refused to take the bride price before receiving the *ifakd i'akongf b'is'fy'fna bofngo*.

[250] Ij *Byiad byf nyang'fy'fna*, "porcupines for the mother." This present consists of two or three fresh or smoked porcupine. *Iifoombe*, *baasf* birds, or *bokfsa* fish may be substituted for them. The substitution of hens is not well regarded, because they are within the realm of the *nkomf*. If someone does not have the means to satisfy this requirement, he gives the mother two copper rings saying *ndkd bakonga bafe yfsombe byiad biaf*, "here are two copper rings; go and buy yourself some porcupines." Fabrics are sometimes substituted nowadays.

589* 431 One must be careful not to confuse this bosongo with byiko byâ nyang'ëy'ôna, an expression frequently heard. The latter includes any payment to the mother and includes the goat and the nkando as well as the bofongo discussed above and others. The word used in this case is not byikò, singular ikò, "porcupine," but rather byiko, singular wiko, "price, value" and derived from the verb -ika, "to set a price."

3) Lokolé: a brother or a cousin of the wife asks for a bongo. He beats the gong (lokolé) in order to make noise and thus force the husband to satisfy him. That is how this bofongo seems to have originated. In practice people simply demand a [147] present. The racket can sometimes last for quite a while. But the elders do not allow the gathering to be disrupted if the husband does not have precisely the gift that would give satisfaction.

4) Bakolé, or bontwé: the woman's brothers stick a piece of the trunk of a banana tree (bontwé) into the ground, so that young relatives of the husband may shoot arrows (bakolé) at it. These are then removed by young members of the wife's family who, at the present time, are sometimes given money -- 5 francs, for instance.

[289] [723] 5) Wamilé: prisoner's rope, that is, a rope to which war prisoners were formerly tied, two by two (a system now imitated for prisoners of the colonial law enforcement agencies and administration). In the past the patriarch, or head of the family, demanded a bongo or a knife as indemnity against the possibility that he or members of his family might be imprisoned as a result of a war caused by the woman being married. Nowadays the chiefs set up by the administration and [77] [62] given the rights of family heads by the European authority have also claimed rights to this bofongo whose significance, purpose, and even name have completely changed as a result. It is now called bonyadike w'ôkonji, "the chief's chain." It is clear that this payment has become something which it was not meant to be.

6) Etika: a heavy wooden fork, fastened to the neck. This is a present claimed by the mother, by one of the father's other wives, or by a wife of the woman's brother, against the possibility that they may have to undergo torture by means of the fork because of the woman whose bride price is being paid. This could happen if she were

[585] [431] to leave her husband and he, in revenge, were to lay hands on her mother or on one of the other wives of the clan. (1) [148]

1. See Chapter VI, Article VII, 4, (1), and Chapter VIII, Article II, 1.

[124] 7) *Lomifo*, a wide shoulder strap made of fur or braided *bakumba* reed (*Calamus sp.*), though valuables of equal worth (one knife or a *bonga*) may be given. Nowadays this *bofngo* consists of 2 or 3 rings; it goes to the mother in compensation for the wearying burden of carrying and nursing her daughter. (1)

1. Note that when a mother-in-law brings a child into the world, her son-in-law sends her a shoulder strap of *liengé* otterskin or a *bonga* of equivalent value. He does not repeat this gift at each birth, however.

[857] 8) *[illegible]*: leaves of the *bonkongé* bush used to remove, wipe off, and carry away (*tōta*) a child's excrement. This *bofngo* consists of a ring and goes to the mother as compensation for her performance of these tasks. In the absence of the mother, it is claimed by another of the father's wives or by a female relative of the mother.

[224] 9) The *bojângé*, "hunting net," is demanded in many villages for no special reason. Certain clans, however, scoffed at by others because they have few members, officially ask a man belonging to one of the latter and wishing to marry one of their daughters to bring a net, saying: "You make fun of us because we have no people; bring us a hunting net to surround and enclose us, since we are not many." Thus the village of Boyela of the Bakfala, never gives one of its members in marriage without this *bofngo*.

[illegible] 10) *wóngé w'ēfoé*: a *bofngo* which is not known everywhere but which is customary in certain groups, for example among the Bakfala. One of the woman's relatives takes a piece of a young thorny trunk of the *wóngé* tree. Having scraped one end of it, he holds this

583 end in his hand and offers the other to the husband, saying, "Take it."
431 The husband naturally refuses and extricates himself by means of a knife or a piece of copper. [149]

11) Bokongo w'ěyao, or "weeds." These are demanded by some clans because the husband's clan scoffs at them on account of the number of weeds and chaff they allow to grow in their village instead of keeping it clean. One or two rings are given.

12) Engumbé: known in some groups, such as the Bakfala, where it is the last one demanded. It is a bokongo of authority, (1)

[62] 1. An engumbé is a temporary hut in a newly settled village. The family patriarchs are the first who must go and live there in order to urge the others to follow and to exorcise all the evil of possible magic spells.

claimed by the patriarchs of the families belonging to the grouping from which the woman has come. Formerly, the amount went as high as 3 to 5 bakongo, depending on the number of families, groups of families, or clans related through marriage that were living in the
[17] same village. Now the payment is made primarily in European currency, and the amount may be 50 francs, for example. This bokongo is later divided among the various kin groupings related to the wife's family.

Various male and female relatives of the woman ask for assorted small objects, such as a small knife (ilfeka), a native razor (loŋgé), a pin for braiding hair (bosingé), a needle (nsongé), a necklace of blue beads (bisongóla), etc.

Nowadays many other objects are also demanded: clothing, dishes, etc. Thus, one day on the occasion of a single bride-price payment, I heard demands for the following objects:

For the father, a pair of trousers and a jacket, because when the woman was a young child she soiled his clothing without troubling herself about the matter.

For the mother, a bed, because worries about her daughter often kept her from resting.

For an aunt, a basin, because she had washed the child.

For a brother, a pair of shoes or slippers, because the girl had worn his shoes during the courtship, etc., etc. [150]

All these befɔngo are included in the sum total of the bride price. Should the occasion arise, they must be returned with the rest.

In addition to the befɔngo asked for and received by the woman's relatives, others are demanded by members of the husband's family. As in the case of the former each person voices his claims according to his desires and without any predetermined order but must always do so through the ndonga. The gifts chiefly consist of furs of the [151] eofio otter, the lifeka monkey, bonkɔŋo and yapoi felines; a joint of game (monkey, antelope, etc.), a mat, a pot, a hunting net, a carrying bag (bokɔmbɛ), a bead necklace, etc. Nowadays these may [152] also be various items introduced by the Europeans: items of clothing, fabrics, saucepans, dishes, etc. This category of befɔngo is included in the sum total of the nkɔmɔ (see the following article). If the nkɔmɔ is given immediately, the parties proceed with this payment. Then the ndonga(s) are remunerated as stated above; each party gives him at least 2 rings.

Finally, the woman's father says to the husband: "In any case, be on your way; we will collect the nkɔmɔ and bring it to you." Whereupon the husband leaves; if he prefers to wait for his wife he remains, and returns home when the items of the nkɔmɔ have been collected.

Article VII. Nkomi

Nkɔmɔ is the name for the objects which the wife's family gives to the husband. The term likɔmɔ is also sometimes used. The [153] Injɔlɔ say likoma, the Wangata, Bakela, Ioanda, and Bolɔngɔ say likomi. All these words are derived from the same verb -koma, "to wrap up, to make a package," (1) for the nkɔmɔ valuables are

1. The Bolɔki say lilonga from the verb -longa, which has the same meaning as -koma.

583* generally packed in baskets or [131] in *bongonjo* (or *betete*), which
431 are baskets woven of palm leaves.

Some ethnologists have introduced the expression *douaire*, "dowry," (1) to designate the goods given by the woman's family to

1. See for example Torday, in *Africa*, Vol. 2, no. 3, p. 279.

the man's family. Actually, the word *dot* would be a much better translation, because it corresponds more closely to the nature of these payments. But this would require changing the terminology adopted, and the introduction of another term (such as marriage payment) for what is generally understood by the word *dot*, whose use is in any case unfortunate. [Translator's note: Hulstaert uses *dot*, which would literally be translated into English as "dowry," to designate the payments mad· by 'he husband and his family to the wife's family. However, I h . ployed the term "bride price" in accordance with the usage of English-speaking anthropologists.]

Furthermore, the word *douaire* already has a precise and accepted meaning, so that its use in this context would lead to confusion. That is why I prefer provisionally to use an entirely new term, and to translate *nkomi* as *contre-dot* [literally, counter-dowry]. (2)

2. This term was suggested to me by Attorney General A. Sohier.

[Translator's note: The term "dowry" has been used to designate this payment in the translation.]

The *nkomi* consists of hens, ducks (3), salt, mats, pots, goods

[236]
[illegible]

3. Ducks have been introduced fairly recently; the Nkundó maintain that their ancestors did not have any, and that they got them from the Ekonda. In their classification they place them under the category of chickens.

585 and, if the woman's family is wealthy, a goat and formerly even a
594 slave. Nowadays, objects of European manufacture are also given.
To give the impression of being a great lord, an unusually
[567] wealthy family head sometimes gave human beings as a dowry. These were preferably Batswá or, if possible, dependents ([illegible]) who only changed masters up to a certain point. Actually it was the father's intention to glorify his daughter by turning them over to her; they had to assist her through various services, and her descendants became their "owners."

Thus Mpamo, one of the ancestors of the [illegible] (of the [illegible] tribe) had received the slave, [illegible], as part of the nkomi from [illegible], father of his wife, [138] Lifomi of [illegible] ([illegible], Ekonda). The descendants of this slave comprise the [illegible] and [illegible] clan [sic], who have settled with the [illegible] and the Bonganga. (1)

1. See also the example cited in Chapter III, Article V.

583 Even real estate can be included in the nkomi. Thus a fish-
423 ing territory (such as a stream, creek, pond, fishing holes) or a sec-
425 tion of a palm grove may be given (2). Like the gift of human beings,

2. But never land or forests.

such property is given only by a very wealthy family head. If he is not sole owner (and in practice he can be only in the case of fishing territory), he must obtain in advance the consent of the co-owners, whether they be brothers or heads of other families. Since it must be assumed that he is intelligent enough not to give away a piece of property which they themselves need, he always obtains their consent. In fact, anyone who opposed the gift would be considered to have acted maliciously toward the woman, who is also his "daughter," in depriving her of this source of pride.

The objects given as nkomi are the property of the husband. The greatest part of it he gives to his wife's [illegible], that is to the

583 431 465 female relative thanks to whom he was able to obtain this wife (see below, Article X). He keeps a small part for himself and, in agreement with his wife, uses it according to his needs. When husband and wife are on good terms, he consults her before giving away or selling any of it. And if she wishes to dispose of any of it, she asks his permission. Thus they work the matter out aimiably. But legally it all belongs to the husband. Should he want to use it for gifts or for any payment of his own, his wife can make no claim; she will not win her case before the law. But from a practical point of view, it is much wiser to come to an agreement in advance and thus avoid any annoyance or quarrel.

583 431 [556] [579] The size of the nkomí depends on the wealth of the woman's parents. Not only is a large one a point [152] of honor and esteem; it is also a means of increasing the stability of the marriage and securing harmony. The bigger the nkomí the more obliged the husband is to treat his wife well and see that she is content with him, out of fear of having to return the entire fortune if the marriage should ever be broken.

The nkomí may be very large, even as great or greater than the bride price; in these extreme cases the girl is spoken of as [192] lifaya-njoku, for like an elephant (njoku) she goes to live elsewhere (lifaya) because of all the riches she carries with her. The term njokwobwo is also used; literally, it refers to a kind of mushroom which grows in abundance all over the bonfili tree. (1)

1. The use of these terms is not specifically confined to the situation described above. They are also applied to any stranger who settles in, or simply passes through, the village, bringing many riches -- to the white men, for example.

556 583 431 With reference to this subject an old custom should be mentioned. Because of his love for his daughter and a desire for renown, a father might give his son-in-law a quantity of bakonga, in varying amounts but enough to pay for the acquisition of a wife, hence bride-price valuables, so to speak.

583x Although given by the father-in-law to his son-in-law and therefore
431 part of the nkomɛ, yet these valuables have neither their significance
586 nor their purpose. They are disbursed at the time of the payment of the ikulɛ. This practice was customary only among men who were unusually wealthy and influential, that is, family heads who occupied prominent positions in native society. It was never omitted for a bolɔ́mbɔ́ (see Chapter I, Part 2, Article II). The woman's father gave these valuables to his son-in-law, saying: "I am giving you my daughter in marriage. She has always occupied a high position; she is of a very good family. I want her to retain her prominent rank. Therefore here is a bride price; go and get yourself a second wife with these rings, so that my daughter will have her ukita [154] from the very first day. Then come back and pay me the bride price for her."

The woman who was honored by such preferential treatment was called yɛ̌ngaende. This word is composed of the roots ɛ̌ng, "to acquire by means of a bride price," and ende, "a man (vir)." The name comes from the fact that she herself paid the price for her husband, so to speak, and did so even before he paid the bride price for her.

The Nkundɔ́ have given up this manner of ostentatiously dis-
[178] playing their wealth, so that the custom we have just described now belongs to the past. Nevertheless there are still women who bear the
[551] name Yɛ̌ngaende, in memory of some ancestor who had been the object of this honor which put her in a privileged position, a royal position, so to speak.

583x From all the foregoing it will be apparent that marriage payments are not unilateral in Nkundɔ́ law and practice. Rather, there is a mutual handing over of goods. Although the goods given by each party differ clearly from one another, they all have an economic and financial value. Therefore we can speak of a real reciprocity in these payments. And although the husband has to furnish the largest and highest amount, it would be wrong to say that he alone must "pay for his spouse," for though he does actually "pay for his wife," she must to a certain extent "pay for her husband." That is what the

583ˣ Nkundó often express through the reciprocal form -ánga, bokiló l'okanga bé-ngana, "father-in-law and son-in-law are acquired through marriage payments." Thus many men try to come as close as possible to the amount of the bride price in the nkomí payment, so that there will be a certain balance between the two. Then to keep that balance between the assets, every payment of the bride price is equaled by new nkomí valuables. The purpose of this action is to equalize the influence of the two contracting parties lest that of one become excessive and predominant, a development which is not always conducive to the stability of the marriage and harmonious relations.

Article VIII. Acceptance of the Bride Price

583ˣ 596 When the husband, his family, and the ndonga have departed, the valuables brought are collected and placed before the woman's father. In the family hierarchy this task falls to the father's sons and younger brothers. Then the elders deliberate on how to use them. They bend down (básunama), as the Nkundó say in their metaphorical language. Here as in all gatherings of family councils and deliberations of any jury, the father is asked to give his opinion. But without even making a statement, he immediately yields the floor to someone to whom he owes respect -- his elder brother, his nephew (that is, his sister's son), etc. The latter does likewise, yielding to the next person, and so the process continues. Finally, the father is again asked to speak; he asks the others each to take from the heap whatever object he wants whether it be a ring, a knife, or a spear. Together with the family patriarch he decides what to do with the bride price that has been received. They have to act in accordance with the laws of justice in protecting the rights of all and of each individual (see below, Article X).

583ˣ What happens if the parents do not accept the bride price placed before them? Such a thing can happen. The following is a recent case: Etanda, daughter of Isia of Esóko lokóló (Bolénge, Bakáala) was engaged to Eanga of Bofeka l'Asumba (Wángatá), who had paid the ikulá and the ndanga for her. At the time of the walo

583 payment when all were gathered, the ndanga gave the woman's father 50 bokonga. Iria did not accept them because he did not think that his daughter's union with Eanga promised sufficient [154] stability. Therefore he asked the ndanga to keep the valuables as deposit until the day the union became strong. Events showed that Iria was right. Barely a few months later the pair broke up. The ndanga returned the valuables to Eanga's father, and the marriage never took place. In the native view, the walo had not been paid in this case, since the woman's father had not accepted the valuables. Therefore one could not say it was a real marriage.

583 581 Though such cases are not common, this occurrence is not unique and shows how seriously the natives take the matter of marriage. Their attitude is far removed from the one attributed to them by certain writers. It is only that the freedom resulting from colonization destroys ancestral rules and sanctions without replacing them with at least their equivalent, bringing about a state of moral and social disorder in this sphere and giving free rein to lust.

583 Up to the present we have examined the three payments known as ikulá, ndanga, and walo, as well as the mother's valuables. Together with the bekongo, they are grouped under the inclusive term jéngí, which also covers other payments such as gifts of welcome to the fiancée, presents on the occasion of later visits, etc. In practice, therefore, the term includes all the payments except the final one, as yet to be discussed. Strictly speaking, it signifies payments made in order to obtain a wife, exclusive of subsequent payments.

Jéngí is derived from the verb root éng, which means to make the marriage payments, to acquire a wife by means of them. It is impossible to translate these terms into a French or English equivalent, so we are forced to use expressions which are more or less inappropriate, such as "pay," "obtain," "acquire," "buy," "payment," "purchase," etc., and which have entirely different equivalents in Lonkundo. Therefore, never maintain before a Nkundó that his people buy [157] their wives; he will express great indignation at such a monstrosity. His word for "buy," is sómb, and in his mind it has nothing in common with éng or sóng (see below).

583* The expression for being the object of a bride-price payment is kwɛ bekɔmɔ, literally, "to make valuables fall." Hence the name ɔ̂kwɛ́kɔmɔ, "one who is the object of a payment of valuables."

As we have said, it is possible to make all the payments described at the same time. This is done only in the case of remarriage. All the valuables are handed over at the same time, and there is no longer any distinction between the three payments.

Article IX. The bosongo

1. The nature of the bosongo and the relevant terminology

The bosongo is the last portion of the bride price. It consists of the payment of a slave or the equivalent value in currency. Hence the very common term bonto, which strictly speaking means "man" but is used to mean "slave" ("He is only a man," they say; that is to say, a slave; nďúta la bonto, la linto, "I possess him as a slave"). The word which actually means "slave," bokwála, or bontambo among the Elíngá and the Bolyá, (1) is never used in relation to the bride price.

1. Elsewhere the terms bofumbo or bfumbo are also used.

The Ekonda, however, do use the term ñanyá, which is a synonym of bokwála and means "slave" in the strict sense of the word. The neighboring Nkundó tribes also use it, probably as a result of their influence. The Bombwanja, the Bongili, the Bonkoso, and the Bombomba likewise do so. (2)

[567]

2. The Batswá never make this payment.

[583] The noun bosongo (lisongé among the various Elíngá groups) is derived from sóng, "to pay this part of the bride price." Thus a man will say to his son-in-law, oótsí bénga bán'ôkámá, yákámá yósongé, "You have already paid the bóngi for my daughter; now come [158] and pay the bosongo." The definition given by Ruskin (Dictionary of the Lomongo Language, p. 67: "bosongo: the passing over of a

583* daughter or ward in marriage without reference to her wishes, money paid for a slave wife," and p. 314, sɔ̀ngɔ: the same) therefore does not correspond to the sense in which these terms are used by the Nkundó tribes under discussion.

Another term for this payment is tsimola bɔmɔ (ilɔngɔ'). I know of no other use of the verb tsimola.

An expression which brings out the idea of its being a last [112] payment is bumbola bɔmɔ (ilɔngɔ'). The verb bumbola means to strike the last blow in felling a tree. (1)

1. Note that bumbola also means "to take in marriage."

Formerly, the payment of a real slave, that is, of a human [illegible] being, was absolutely obligatory. Nowadays, since slavery has been [illegible] abolished, the worth of a slave in bakonga has been substituted; it consists of 25 rings, or of 15 to 20 if they are especially beautiful. (2)

2. In the past, the price of a slave was from 10 to 15 rings.

To distinguish between these forms of the bosongo, the Nkundó say bɔmɔ w'ebwɔ (ilɔngɔ y'ēbwɔ), "a slave with hair," therefore a human being, or bɔmɔ w'akonga (ilɔngɔ y'ākonga), "slave in copper rings."

583* Batswá, instead of slaves, could be given as bosongo. They
565 were not reduced to slavery, however, but remained in the same position as before, except that they changed masters.

Sometimes a master who wanted to be rid of an incorrigible Botswá gave him away as a real slave in a bosongo; in that case it was as if a slave in the strict sense of the word had been given.

In other instances the master acted with the more or less explicit consent of the Botswá. Those who were thus handed over as a bride-price payment were usually women. [158] Since in matrimonial matters of the Batswá, the Bosó master fulfills the role of "Father," he is entitled to the girls' bride price and has the duty of

585 obtaining wives for the boys. Therefore he can turn a Botswá girl
563 belonging to him over to his father-in-law. The father-in-law never takes this woman as his wife or as a wife for one of his relatives; but he gives her in marriage to one of his own Botswá or to a stranger of that race who pays him a bride price for her. Socially and financially the result is exactly the same as if the son-in-law had made his payment in the form of a slave.

Thus the bride price paid by Lokonda jw'ïsano y'ënkanja of Ngombe (Bongili) for Bakutu of the Baséká Elongama (Bosombó, Bombwanja) and used by the latter's cousin, Boféndé of Ekéhola (Bongili) to obtain for wife, Iloo of Nkóngó (Bongili), consisted of 60 rings and the woman Ómâmenga (Antonia) of the Mbélanga clan of Botswá. Ómâmenga was later married to Wanja (Pius), a Botswá belonging to her new masters.

[567] There may be two or more slaves, for the same reasons that determine the size of the walo. The Bombwanja are only exceptionally satisfied with a single one. But all the slaves always comprise a single bosóngo.

585 The bosóngo is not part of the jéngí. The natives say bosóngo émí ěk'omóngó, "the bosóngo is entirely separate." Their statements on this subject are markedly categorical.

A characteristic expression which designates the entire bride price is baémbá la bonto, "rings and a man" (slave). The rings are the jéngí; they are valuables of a purely material nature. The bosóngo is, on the contrary, a human being.

There is no term in Lonkundo which covers both kinds of payments. The whole cannot be expressed precisely in a single word.

585 In the vicinity of Flandria, however, the young people [160]
178 are beginning to confuse the two words jéngí and bosóngo and to use one in place of the other. (1) [Editor's note: The confusion today is

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1. The young people from Injolo who are about twenty years of age and whom I have known at Flandria Mission and in their own settlements, do not confuse these terms but distinguish clearly between them.

585 probably due to the penetration of the Lombwanja dialect and its
178 rather strong influence, even in relation to other words, on the dialect of the Bongili and Bankono, as well as in central Flandria.] Among the Bombwanja, -sóng and bosóngo are synonyms of the Lokóndó -fúng, jéngí. For the payment of a slave they use only the word ilongé and the expression -lakya ilongé, "to give a slave." But the old people loudly protest against this confusion and consider it an error, a mix-up, a corruption of the language.

585 The bosóngo used to be paid at the same time as the walo or shortly thereafter. Nowadays years may pass between the two payments. If the husband is too slow in meeting his obligation, the wife's family complains. Often when their daughter visits her parents, they prevent her from returning to her husband as a means of coercing him into making the payment. As in the case of the jéngí, it is up to the husband to bring the payment; the wife's family is not expected to fetch it.

We have said that copper rings may be substituted for the slave. No other objects -- such as knives, for example -- come under consideration. If the rings are to be counted as bosóngo, they must be explicitly designated as such by the husband or by the ndonga. If the intention is not verbally expressed they will be considered jéngí, since they are the kind of valuables used for the latter payments.

585 The bosóngo is the final and definitive bride-price payment.
431 This does not mean that the husband does not thereafter have to pay in certain circumstances. On the contrary, financial transactions are terminated only by death. But [161] subsequent payments spring from other obligations which follow the final completion of the marriage agreement though they result from it. Such are, for instance, the belonga (gifts brought when visiting), valuables given at the time of a death, the nkunji (funeral payment), and assistance to members of the wife's damily (for example, in the settlement of a bride price). Or perhaps the wife's mother comes to help her daughter at childbirth; when she goes back home her son-in-law gives her a farewell present (bolingako), such as 4 bakonga. The statement of natives that the jéngí never ends -- jéngí lifošile elaká ék'iwé -- should be interpreted in the light of these practices.

583 *The boŋóngo must be handed over under any circumstances, even if divorce or death precede it. If a husband refuses to pay he loses his rights over one of the daughters in his wife's family, whose bride price would compensate with interest for the economic and social loss suffered by the woman's clan. (1)

1. See Chapter VIII, Article IV, and Chapter IX, Article IX, 2.

2. The value and consequences of the boŋóngo

How important is the boŋóngo today? In answering this question a distinction must be made between two aspects of the problem: the financial aspect and the legal aspect.

1) Financially, the boŋóngo, first of all, completes the payment of the bride price and thus produces the highest degree of theoretical stability possible in a Nkundó marriage. That is the meaning of the following expressions: bólό wǎ lifála ńk'ɔ́nto, "the strength of the marriage (its stability) is to be found in the slave,"; l'oŋóngo lómo to ńkílongwa wǎlí, "by means of the boŋóngo the woman completely becomes the wife"; or wǎlí ńkílongwa ǒnǎ, "the wife becomes completely yours." Since, as I have explained, the boŋóngo terminates the payment of the bride price [162], the woman's parents no longer have any excuse for taking her away from her husband, and they become even more desirous of maintaining this union in which such great interests are at stake.

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Apart from the value of wealth per se, there is also its social influence. In this respect we must make a distinction between the past and the present:

a) At the time when the boŋóngo was necessarily a flesh and blood slave rather than a slave in rings, it was naturally valued more than the walo. Twenty-five bakonga (for the walo) and two slaves were preferable to 50 bakonga and one slave even though, if the payments were reduced to the monetary unit in copper, the latter was greater. This fact is easily explained. "In the past," say the old people, "we had very little copper, and the smelting of iron was a

583 567 178 hard and lengthy task. The walo paid for our mothers was greatly inferior to what we see nowadays. In the majority of cases our fathers paid no more than 15 or 20 rings and iron objects. But they gave a greater number of slaves. It was not unusual to hand over five or even ten slaves for a wife. Consequently, the bosongo was a good deal more important than the walo. At the present time the white men have introduced a great deal of copper and brass; and the abundance of these metals is the cause of the increase in the price of the walo. On the other hand, it has become more difficult, and finally altogether impossible, to obtain slaves; that is why the bosongo has been lowered. Finally, we have had to substitute rings for persons."

583 178 b) Nowadays, though the idea of the importance of the bosongo to the family is still alive, because it is the last payment and therefore a permanent settlement of the financial question, its monetary importance and therefore, in a certain perspective, its social importance for the receiving clan, has greatly diminished. This has happened because [163], like the payments that precede it, it has become a payment of copper rings. In places where the bride price is paid in money and in valuables introduced by the Europeans, the importance of the bosongo quite naturally decreases even more rapidly.

583 2) From the legal standpoint the question is entirely different. The bosongo results in no new relationship between the spouses. The woman's name does not change; she is called wálí, as before. The idea that she becomes a wife completely at this time is based, as we have said, only on the fact that the marriage theoretically becomes completely stable. This supposed stability is derived from the handing over of the last payment, which leaves the parents no excuse for taking their daughter away from her husband. It does not come from any new legal act.

That this is so is clearly demonstrated in the following fact: if the woman dies before the bosongo, there is no palaver, as there is if she dies before the walo is paid. Her husband is not required to pay an indemnity (mbélaka). But he is required to complete the

583° payment of the bride price with the bonfongo as he was committed to do through the payment of the ikulé and the nkongo. If he does not, the bond between him and his father-in-law is automatically broken, and consequently he is unable to obtain another wife to replace the deceased, and he loses the rights over one of his own daughters. Actually, we will have to come back to this question in Chapter IX, Article IX, 2.

These rules show how great a difference exists between the walo and the bonfongo: in the one case, upon the death of the woman prior to the payment, an indemnity is imposed for a transgression in the eyes of the law; in the other, there is a transaction to stabilize the financial rights of the clans involved.

From all the above considerations we may conclude that because of the special nature of the payment, the bonfongo is very important for the stability of the marriage and the social position of the woman's clan. But from a legal point of view it is far less important than the walo, through which a woman becomes truly [164] a wife; for the payment creates no new social relationship either between the spouses or between the husband and his in-laws.

Article X. Purpose of the Bride Price

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607 Theoretically, the bride price is meant to procure a wife for one of the members of the family that has received it.

The woman who is married thanks to the bride price paid for another is called the latter's nkita. It seems to me that this word is etymologically related to nkitó, "profit, benefit" (the verb is -kitola). In the final analysis, both words may be derived from the root -kit, "to become."

[184] A synonym of nkita is bongíli (bongíli). It is used primarily by the Injóló but it is also known, though seldom employed, by the other tribes.

The woman whose bride price has served to procure the nkita is the latter's nkóló (literally, "mistress"). The Injóló as well as the
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595] Boángí also call her by the more tactful name, nyangóngili, "mother

583 601 [595] of the bongíε." (1)

1. This term also designates the wife of a polygamist who has brought along one of her relatives as co-wife; she is the nyangingili [sic] of the latter. (See Chapter VII, Article IV.)

For "to obtain a nkita" the Nkundó say -umba nkita, literally, "to fell a nkita," as one fells a tree or an adversary. Or they may say -bíta nkita, "to possess a nkita" (umba or bíta so-and-so, la nkita). "To become a nkita" would be rendered as -kwé nkita, "to fall into being a nkita."

583 596 The hierarchy of those entitled to the bride price is based on the general hierarchy of family members, which gives precedence to the older generations and, within each generation, to the older members. Consequently, as long as a member of the family having the title of ise (father) is unmarried (unless he is physically or mentally incompetent), no bóna (son) is entitled to a bride price, even if it is that of his own sister. Within the same generation, the older members have precedence over the [165] younger ones, but boys have priority rights to the bride price of their uterine sisters. (1)

1. For limitations and exceptions to this right, see Chapter IV, Article II.

It occurs quite often, and was even more frequent in the past, that the person entitled to the bride price is still too young to get married, either in reality or in the opinion of his "fathers." (2) The

2. See ibid.

bride price is consequently used for the benefit of another member of the family. The creditor reaps the benefits later in the form of inheritance.

[602] Even if the woman or women meant for him should die or be taken in slavery, he can obtain the bride price of a cousin to which

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no one has direct rights (for instance, if she is an only child) or that of his mother's nkita's daughter, as we will see below.

In these instances there is a temporary suspension of rights or rather a change in the individual entitled to them. These adjustments are made very frequently and can affect several people. Bride prices may even fall to fairly distant relatives, even in the maternal line. The transactions are performed by the patriarchs for the greatest good of the family as a whole. New rights benefiting the person originally entitled to the bride price are being created, and
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the woman married by its means has become the equivalent of a nkita in relation to him -- as is the following instance:

Bakutu b'Ôlǒngɛ (Boniface) of Bombɛ́nga w'Ekɛnda (Bosombɛ́, Bombwanja) has a sister Wɛ́mi, whose bride price serves to provide his paternal uncle, Elongama ěy'insta, with a wife, Ilɛ́kɛ́ of Ilóngɛ́-Bongíli. Bakutu's rights over his niece, Bakutu, daughter of Bolɛ́ko, are transferred go Bofɛ́nda d'Ekɛ́kola, son of his paternal great-aunt Etɛ́ka and therefore, in Nkundó terminology, to his father. As a result he obtains the rights over the bride price of Wɛ̂ngi, the daughter of his uncle [166] and Ilɛ́kɛ́. At the same time he acquires a certain authority over Bofɛ́nda, the beneficiary of the bride price that was originally intended for him, and over the latter's children.

When the bride price is meant to procure a nkita, there is nothing to prevent the remainder, should there be any, from being used to pay a debt, a fine, etc., or, more especially, from being given to a relative so that he can procure a wife for himself.

If,, in an exceptional case, the bride price is not used for its original purpose, this deviation constitutes an infraction of the law,
[684]
because it is a violation of the rights of the girl for whom the bride price was paid, for she is thus deprived of her nkita and consequently of certain advantages. It may happen, however, that there is a conflict between this law and some other. In such cases of circumstances beyond one's control, it is up to the legal authorities to determine which of the two has priority.

Such was the case of Bolɛ́i, daughter of Ifolɛ y'Engɛ́mɛ, of the Baafɛ́kɛ Longwâne of Bonjoku (Bonkoso). She was married to Bombɛ́lenga

593 601 of Libolí. The bride price went to her uncle Bosfilo, because her father had been taken prisoner of war by the Bongale. The family council decided to free Ifoli before contemplating the acquisition of a wife. Bosfilo therefore paid his brother's ransom. Naturally, Bolofi was greatly annoyed to have to submit to this decision but, taking everything into consideration, she too thought that the liberation of her father had priority over her right to a nkita, of whom she was now deprived. For although the Bongale were able to obtain a wife thanks to the ransom, the wife was not Bolofi's nkita, since each family takes only its own members into consideration.

593 602 601 As we have already implied, the nkóló derives certain advantages from "possessing" a nkita. Her superior position, from the Nkundó point of view, entitles her to respect and to some assistance. An even greater advantage is her right to the dowry. As we have [167] seen, a husband keeps a small part of the dowry for household necessities; the greater part of it goes to the nkóló. Finally, the son of the nkóló has the right to his say in his mother's clan, because it has been enriched by means of valuables paid by his father's clan. He also has the right to cultivate land belonging to his mother's clan and to settle on it. Furthermore, when a member of his mother's clan is enabled to obtain a wife by means of these valuables, he has certain rights over the children of his mother's nkita, and even over the nkita herself. (1)

1. See above, Article IV, 3, and Chapter III, Article II.

In relation to the children of his mother's nkita -- whom he calls his bokwá (2) or his mother's bonkita (bonkita bĩäfá bálá ngôya) --

2. Singular bokwá. The term is derived from the verb -kwá or -kwé, "to fall" (see above).

the nkóló's son has the following rights:

1) The right to respect and assistance.

2) The right to sit on the family council which decides on the division of the inheritance (so that the deceased's own son cannot have

593* a share of his father's goods without the consent of his nkóló, or the
601 use of the bride prices received for the daughters.
607 3) If he cannot obtain a wife through his own clan, he is entitled to the bride price of one of his bokwé if it is not first needed by one of her own uncles or brothers. The rights of the latter have priority over that of the nkóló, unless he settles in his mother's clan. For in that case his rights have precedence over those of the brothers (though never those of an uncle), and he is next in line, after his uncles, to become head of the family. Since he is sister's son, the uncle's children call him "father" just as they call his mother, their paternal aunt, by the name of isómoto ("female father"). He himself calls his first cousins bána, "children," and thus has precedence over them. [188]

Thus the rights to authority over the daughters of the nkita on the part of the nkóló's son are limited by the rights of the uncles and, to a certain degree, of the brothers. (1) But in the inheritance

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1. In his study "Het Familiehoofd bij de Nkundo-Negers" [The Family Head among the Nkundó Negroes], Congo, 1930, Vol. 2, p. 322, Father Brepoels somewhat exaggerates the rights of the nkóló's son.

of widows the rights of the nkóló's son operate fully, and he may claim the one acquired by means of his bokwé's bride price, who in a way is his nkita (when she is assigned to him they say baló ĩkó nkita, "here is your nkita").

These rules can result in multiple transactions and in a repeated transferring of rights from one of the two clans to the other as well as within the same clan.

The nkóló's grandsons call the nkita's grandsons nkwá y'ĩmbá, "the excrements of valuables" (an expression which is not at all disrespectful or shocking) because the rights derived from the relationship of nkóló and nkita are almost without force. In favorable circumstances they are limited to a little respect and assistance. And if the nkóló's grandsons have no other kinship tie with the paternal clan of their second cousins, they cannot even call them by that name.

593ᵃ 602 607 Thus the person who is herself the object of a bride price is the nkita. The first generation born of the nkóló calls her bonkita. In the third generation the term nkwé y'Êfinidé is applied to the relationship.

For example:

mother	Lokáfo	nkita of Bolomba
son	Imana	bonkita of Ilonge
mother	Lokáfo	nkita of Bolomba
son	Imana	bonkita of Ilonge
grandson . . .	Ekifia	
mother	Lokáfo	nkita of Bolomba
son	Imana	bonkita of Ilonge
grandson . . .	Ekifia	nkwé y'Êfinidé of Lifiafe

[609] [169] The bonds between the nkóló's grandsons and the nkita's grandsons are loosened because respect and authority between grandparents and grandsons are more or less nominal; in practice they no longer exist. (1)

1. See Chapter VI, Article VI.

If the nkóló leaves no descendants, the nkita's sons are freed from any obligation. Just as the Nkundó like to be able to call someone their nkita or their bokwé so, too, they take pride in not belonging to a nkóló.

593ᵃ 607 Men who bear the title of nkóló may, under given circumstances, have duties towards their bonkita, especially the obligation of taking active part in getting together the amount of a bride price. If the nkóló has provided his bonkita with a wife, the latter must treat him like his father (giving him assistance, the father's portion of the meat of a game animal, etc.).

587* 607 The mutuality of the rights of nkíté and nkita is well expressed in the saying, Bokéné fiokéné wê, "possess me so that I may possess you." It is like do ut des.

591* 591 183 (621) It is possible to judge from the preceding descriptions that the bride price has a considerable influence on family relations. Although the Nkundó system is clearly and manifestly patriarchal, the custom of the bride price and its logical consequences give it certain features which make one think of a matriarchy. This situation comes about quite naturally. Since the bride price is wealth it represents power in society. Through marriage this power is transferred from the husband's clan to the wife's, which is enriched in goods and persons by the bride price that has been received. In a sense, the husband is the provider of his wife's clan. And the child can truthfully maintain that his clan was enriched thanks to his father. As a matter of fact, for the Nkundó, this consideration above all others is the basis for their demands of whatever rights they possess in the mother's clan. [178] The relationship between a woman and her nkita and between their respective children is founded solely on the bride-price system of marriage and has nothing to do with matriarchy. (1)

1. But the above considerations may furnish one source of explanation for the origin of that family system.

Consequently, it is unnecessary to erect complicated theories or engage in tortuous speculations in order to explain the creation of this system or to justify it. It is quite simply the outcome of the payment of a bride price in valuables that are of no use except in connection with a similar purpose.

Nevertheless, although the system of the nkita is a natural and logical consequence of marriage by means of a bride price, it is not a necessary consequence. The bride price exists in all the tribes of the Congo, but it does not seem to have resulted everywhere

583* in the institution of the nkita.

174 114 607 What has given rise to this institution among the Nkundó? Father Brepoels (loc. cit., p. 3339) gives the following explanation:

174 583 [illegible] 607 "The sale (sic) of the woman and her loss of liberty must naturally have aroused her indignation. The man probably had a great deal of difficulty in persuading her to resign herself to it. It was necessary to arrange for some compensation and that is how the system of the nkita originated. That is how the woman acquired rights over her nkita and how nonexistent prerogatives were attributed to her children: they became the superiors, the "fathers" of the mothers' family . . . . The elders, the wealthy, profited from this system, which released them from any concern for their daughters: the girls could be sold while they were still very young and then if, later, they complained of the injustice that had been done them, the elders consoled them by reminding them of their rights and those of their sons over the nkita and her offspring . . . moreover, this system released the elders from their duty of obtaining wives for their sons and removed any reason for the latter to claim their father's wives."

This explanation for the origin of the nkita system is unthinkable, for it is entirely contrary to everything [171] we know about the nature of Nkundó marriage. But it seems plausible that the fact that the old father benefited from this institution helped it to flower and spread. Motive greed also may have played a role.

583 174 607 Nevertheless, we must seek beyond the operation of causes which have contributed to the spread and retention of the system in Nkundó society for those that led to its origin.

Need we invent complicated hypotheses for this purpose? It seems to me that we need not; we can be satisfied with the native explanation: the nkóló's rights over the nkita spring naturally from her dominance over the latter, for the nkita's marriage was made possible by the valuables paid for the nkóló; whereas the rights of the nkóló's sons over the nkita's children are derived from the fact that in the Nkundó hierarchy the relationship of the latter to the former is that of "son" to "father."

The secondary causes mentioned above, together with the necessity of reconciling the interests of the various members of the family, subsequently amplified the system.

583 607 Exceptionally it may happen that a mother becomes her daughter's nkita. Such was the historic case of Bekombe of Belondó (Bonjoku) and her daughter, Mbélé. The daughter's bride price was

585 607 used by her father, Nkombe ɛy'ɔmɔlɔ of Bolɛnola (Bonjɔku), to pay a supplement for his wife Bokombe. On this account the latter became her daughter's nkita. The double bride price served to obtain the wife Lintamba for Iloli y'enguma, Bokombe's brother and Mbɛlɛ's uncle, and Lintamba thus belonged to both mother and daughter, but the two did not fight about the matter.

One person can have two or more nkita, especially if her bride price is so large that it can be used to obtain several wives. Such is the case of Mputɛ (Sofia) of the Baɛfɛ Mbangɔ of Bongondo (Bonkoso). Her first husband, Mpɛnda of Lofolɛ, paid 40 rings and a slave. With this sum Mputɛ's uncle, [172] Mbangɔ ɛy'akoso (who had settled with the Elɛngɛ l'Imoma, his mother's clan), paid the bride price for Bonjɛlɛ of Ilɛɛlongo. (1) In the meantime, Mpɛnda was killed in a fight with his brother, Iloko. Mputɛ married Elɔngola, Mpɛnda's nephew, but then he died after two or three years of marriage. She was then married to Lokonga of Lɔngɛ (Nkɔla), whose life was not much longer, and finally to Bakutu (Boniface) of Bombɛnga w'Ekanda (Besombɔ, Bombwanja), who paid a considerable bride price. A part of this bride price was a compensation to the family of the last husband, and another portion was used by Mbangɔ to acquire as wife, Bengelɛ of Ekɛkola. By means of the bride price paid by Lokonga, Mbangɔ (Joseph), a first cousin of Mputɛ, obtained the wife Bolɛjɛ (who came from the Ionda). Lastly, Bakutu gave Bonjɛkyɛ (Christophe) of Losɛlinga, a distant cousin of Mputɛ, the necessary bride price to marry Embongɛmbembe of Lɔngɛ, who on this account also became the nkita of Mputɛ, though not in the strict sense of the term. Mputɛ thus has four nkita, although not all of them are living.

[782] [727] 1. During a war against the Ilɛɛlongo, this woman had been captured by the Elɛngɛ, who wanted to sacrifice her to the ikɛngɛ at a feast which terminated the mourning. But Mbangɔ begged the notables to let her live because he loved her very much and wanted to marry her.

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607 On the other hand, as we have seen, two women may have one nkita in common, especially if their combined bride prices have been used to obtain a single wife. In such a case the two bankɔ́lɔ́ and their descendants share their duties and prerogatives. In practice this situation arises only if the two bankɔ́lɔ́ are uterine sisters, but seldom in the case of other relatives. It does occur occasionally, however, as for instance in the case of Bolɔ́fo w'ímeka and Bolúmbú w'ikofo. Both were daughters of Bakutu b'is'ɛ́y'olɔ́njɔ́ of Bokenda (Besombo), but they had different mothers (Mbɛ́lá and Wǎngi, respectively). Their joint bride prices were used for the marriage of Bolɔ́fo wǎ Ekákásá Bonkúfo w'ɔ̌bɛ́ (son of Bakutu and Wǎngi) to Bokungú of Engɔ́njɔ́ (Bonkoso). [173]

Article XI

General Remarks on the Payment of the Bride Price

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843 A few general comments should be added to all the foregoing ideas and rules concerning bride price.

1) During a woman's pregnancy no payment of any kind may be made. This principle is stated by the Nkundɔ́, and they strictly adhere to it. Pregnancy, however, must be understood as a pregnancy which is clearly visible to everyone, that is, the period of bokeka, and not that of the beginning, bofoswa, (1) during which payments may still be made.

If one inquires into the reason for this prohibition, one receives the reply that if payments were made during the bokeka the woman would have great difficulties in delivery and would stand very little chance of escaping death. (Pregnancy is considered a dangerous condition. Of a pregnant woman, the Nkundɔ́ say: akɛ́kí la lɛ̌fa, "she is blocked by the sun," or "the sun stands across her path," that is, she is between life and death.) That is the only explanation given for the prohibition. Is it perhaps connected in some way with the belief in the elímá? (See Chapter X, Article II, 1).

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1. See Chapter X, Article II, 3 and 4.

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581 2) A woman's family is not permitted to keep a double bride price for her during the lifetime of her husband -- that is, for the same marriage. If she is divorced, and her new husband pays the parents a bride price, they are required to return the bride price paid by the first husband. Thus, only a single bride price remains in their hands. This stipulation is probably intended to avoid a traffic in bride prices, something which is entirely illegal. Moreover, since the bride price constitutes the marriage, a double bride price in the situation indicated would make the woman the wife of two men at the same time, a situation which would be altogether contrary to the native concept of [174] marriage, despite their leniency with respect to certain types of concubinage. (1)

1. These will be discussed below, Chapter VI, Article VIII, 2.

One instance which took place around 1878-80 came close to infringing upon this law, though strictly speaking it did not violate it; it is rather non contra sed praeter legem. By his first wife, Wětsi de Likolí, Bakutu b'ïs'éy'olóngó of the Basék Élongama (Besombó) had a son, Bolónjó, and a daughter, Imote. The daughter married Lofalanga of Mpámá (Nkóle), and with her bride price he procured a second wife, Mbélá of the Basékó Nkamba or Bofétola (Bonkoso). His son, Bolónjó, fell in love with her and took her away from his father who had grown fairly old and up to that time had neglected to provide him with a wife. Old Bakutu was furious and went so far as to threaten to kill his son. But the family intervened and judged the father to be in the wrong. The latter submitted to the family decision and finally quieted down. He yielded Mbélá and went even further. In order to spare his son malicious innuendoes and being shamed by comments made by other people, because he possessed a woman obtained in an abnormal fashion, he paid another bride price for Mbélá, consisting of 40 rings and 2 Batswá as bosóngo. As a result the Bofétola clan received two bride prices for the same woman, but they came from the same man and were given for a plausible reason. No grievances resulted; on the contrary, the payments had advantages. For both parties were satisfied: the Basékó

583x 581 Nkamba were doubly enriched; their daughter was honored beyond expectations and had acquired two nkita. The Basék Élongama had the expense, but their renown and glory could only increase as a result. Furthermore, Mbélé's son thus acquired a very strong position in his mother's clan where his power would be greater because of his relationship to the double progeny of two of his mother's nkita.

A true exception to this rule is permitted in the case of [175] marriage by purchase (Chapter II, Article VII) and in case a woman takes refuge from her husband with another man (Chapter VIII, Article II, 3, (2)). But the rule is not the least weakened by these exceptions, for both types of union are entirely outside the usual rules and patterns, and it can even be said that they are not real marriages.

3) Right to the bride price

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A. Is the right to a bride price permanent? In other words, is a bride price acquired permently?

To answer this question we must anticipate what will be said later in this work. Therefore we will limit ourselves here to noting the conclusions from data which will be presented later in extenso. (1)

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1. See Chapter VIII, Article III, 5, and Chapter IX, Article VII.

583x 586x In case of divorce, restitution of valuables must be made by both sides. On the contrary, if a spouse dies their acquisition remains permanent.

If restitution were not made in case of divorce, the divorcée would be prevented from remarrying. This seems to be a concession to human frailty. That is the only logical explanation I can think of for the existence of these two rules which are diametrically opposed to each other: permanent acquisition and acquisition only for the duration of the marriage. My explanation is supported by all other stipulations of Nkundó law which are pertinent to the matter.

B. Those who are entitled to the bride price

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596 It is apparent from everything we have said that the bride price is placed in the possession of the father of the woman for whom it has been paid. In his absence it goes to his eldest brother or, if his *bǒnankɛ́nɛ́* has settled there and inherited the father's authority, he is the one to receive the bride price of his niece (cousin in our terms). Otherwise it goes to the eldest son. In short, the rights to a bride price are passed down in the order of the family hierarchy.

The mother's clan receives the copper spirals, the goat, and certain of the *beɛ́ngo*. [176]

There are circumstances, however, under which this order can be destroyed so that the father's clan does not get the slightest portion of the bride price. This happens if the daughter who is to be married has left her father's clan for a sufficiently good reason and has been adopted by her mother's family. The following is a historic example of such a case:

583x The events took place at Bompóma (Injó̱ló̱) between 1890 and
596 1900. One of the inhabitants, Ilónjó yǎ Nso̱mbo̱la had had two chil-
691 dren by his wife, Eale of Bokéndela (Boángí): a boy, Mpulûnéne and a girl, E̱mbó̱mbi. The girl was abducted by one of the black soldiers who had come to occupy the region and was taken by him to his native village, somewhere near Coq. The wife of another man from Bompóma, named Isêntulu, was carried off and taken away by another soldier. Ilónjó owed Isêntulu a dog. The latter took advantage of the disorder caused by the beginning of the occupation to demand his due with violent threats. Ilónjó, having no dog and probably frightened, handed his son over to his creditor. Isêntulu hastened to find the soldier who had taken his wife and offered to give the latter the slave boy in exchange for her. The pair came to an agreement, and the soldier took away the boy, who died in his master's hands in a manner unknown to me.

Still during the time of the Independent State, E̱mbómbi was able to make her way back to her country. Passing her mother's village, she heard how her father had acted toward her brother Mpulûne̱ne̱. Indignant, she decided not to continue on her way; she

583 declared that she was breaking with her father and wished instead to
596 live at the home of her maternal uncle Isɛ́la. After a time, a cer-
691 tain Belekɛ́ came to ask for her in marriage and paid the bride price
to Isɛ́la.

In 1922, Ilónjó went to Bokɛ́ndela and presented a complaint to Chief Efóle against Isɛ́la, because the latter had taken his daughter's bride price. Efóle, assisted by the messenger Bongimɛ́ and by notables, decided in favor of the accused; Since the plaintiff had gravely offended his daughter by delivering her brother into [177] slavery, which resulted in his death, he first had to be reconciled with her. If she accepted his apologies, the father would receive her bride price. They agreed on the nature of the reconciliation gift (*boóndo*): Ilónjó would pay a goat. Since he did not have it with him he handed over his knife as a pledge (*wěko*). Iomɛ, the *bǒnankɛ́nɛ́* of Isɛ́la (who by then had died), promised to make restitution of the bride price and in anticipation paid 12 rings and 3 knives. Ilónjó went back home. They awaited him in vain; they did not see him again -- neither him nor his goat.

Act three: February, 1933. Efóle, Bongimɛ́, and the rest had been removed as a result of a reorganization of districts. Bokwɛ́la had been made chief of the Boɛ́ngɛ. The district tribunal began to function again, and our Ilónjó took advantage of the situation and recommenced his attack. He brought complaint against Iomɛ and against Isɛ́la's brother, Engongolo, who was not there in 1922 but who now had returned home. On March 6, 1933 the palaver was settled. Naturally, the men who newly held their authority found this a good opportunity to strengthen their position and did the exact opposite of their predecessors. They condemned Iomɛ and Engongolo and decided in favor of Ilónjó.

Here we see a real abuse of power. For according to Nkundó law, only Ilónjó was in the wrong. He had conducted himself badly all the way down the line. His daughter had no obligation to recognize him as father, since he had virtually disowned her in the first place. And her mother's clan could have, even should have, received the bride price (see also the case described in Chapter IX, Article IV).

Article XII. The Attitude Toward the Bride Price

583x
562 1. What is the woman's attitude toward the bride price?

Only we Europeans can ask such a question. To the Nkundó mind it is superfluous -- in fact it is really stupid. The bride-price system is the normal system [178] of marriage. The Nkundó do not conceive of marriage in any other way. Without the payment of a bride price there is no marriage; the woman is not considered to be a wife, she is simply a slave. This notion is a necessary consequence of the bride-price system. Thus it is not surprising that the woman is very much attached to this system, and that under normal conditions -- that is, when there is no European influence -- she does not want any union without a bride price, for she would then be a slave. This is obvious. All these ideas are held together like the links of a chain.

2. Our attitude toward the bride price

589x At the beginning of colonization the Europeans, government
648 agents as well as missionaries, viewed with repugnance a marriage system based on the payment of a bride price. In their eyes it was neither more nor less than the sale of women and therefore a form of slavery. They felt they should counteract it by abolishing the bride price and introducing marriage in the European manner, which seemed more consistent with man's free nature. Many Blacks employed by the Whites as soldiers, laborers, etc., were thus married without bride price. Nevertheless, no direct action was taken against the system. Later it became apparent that it would be harmful to abolish this ancestral custom before it was possible to replace it with a better system. (1) In the end it was realized that the payment

(1) It is not even enough to substitute a better system; those who are to benefit from it must understand it and be convinced that it is better.

583^x 648 of a bride price was not at all a purchase. (2) [179]

Having gradually become informed as to the true nature of the bride price, a number of Europeans began to favor a return to the old system. Some took a radical and intransigent stand on the matters; others approached the question in a more reasonable manner, taking into account the changes that had resulted from colonization. It was perceived that the natives were not yet ready for the abolition of their ancestral laws and that marriages without a bride price rarely lasted, in part because the old sanctions had not been replaced with new measures adapted to the circumstances. Finally the government as well as the missions more or less strictly required that the matter of the bride price be settled before a "civil" or a "religious" marriage ceremony.

583^x 182 Many Europeans wish for the abolition of the bride-price system because it seems inferior to them. And actually in the present circumstances of time and place, it does constitute an obstacle to the evolution of the natives toward a better social and moral condition. (1) But such an abolition is neither practicable nor expedient. This system penetrates and molds, so to speak, the whole familial and social life

2. One reason why Europeans were so slow in getting a realistic picture of the nature of the bride price was undoubtedly their lack of linguistic knowledge. The natives did not know the Lobangi language spoken to them first nor the Lingala used later, and so perforce in these languages they used (and still use) terms whose meaning is vague and broad. Thus they said -- and still often say -- the word sómba, "to buy," for "marriage," although their own language contains terms which are very precise.

1. This is especially true of the consequences of the nkita system.

583x of our peoples. Its pure and simple abolition would upset their established order completely. First their mentality has to change, and that end can be accomplished only gradually, since a moral change is involved. And the present state of these peoples is not sufficiently evolved for the abolition of the bride price to be beneficial. Here, if ever, the axiom: nihil leges sine moribus is valid.
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000 But what might perhaps be done in that direction now is to place a limitation on the amount of the bride price. This measure should be strictly enforced to make sure that it is carried out -- although in practice its enforcement would be very difficult, for at the beginning [180], many interested parties would try to circumvent it. If good results are to be obtained, an efficacious repression of adultery and the frequency of divorce should accompany the limitation on the bride price. It would be a first step towards the ideal. Others could follow according to the extent of the natives' evolution toward a higher level of morality.

Apropos of these considerations we should like to say a few words concerning:

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3. Traffic in bride prices

This term may be taken to mean two different things. It may be used to refer to a general increase in the amount of the bride price, which has reached enormous proportions since the European penetration of the area. Or it may refer to the increase in the bride price of a single woman for successive marriages, from which her family profits.

The first meaning of the term refers to a fact, namely that the amount of the bride price has increased considerably. The reason for this development is the increase in material wealth resulting from colonization. Riches are more easily acquired. But we should not exclude the role of the greed of many parents, which has also increased. It is the most important and can reach scandalous proportions in areas where the bride price is paid in European goods (money, fabrics, appliances, utensils); in such regions, as for example among the riverain people of the Lower Congo, it goes up to and easily exceeds 2,000 francs. Think of what this amount represents, especially in times of economic depression. (1)

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583x
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1. For the sake of comparison, here are some average figures for 1934:

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[465]
[435]

Wages	fr. 20.00	to 25.00
Copal, per kilogram . . .	0.50	to 0.70
Palmettos	0.10	to 0.20
Palm nuts	0.05	to 0.10

Inevitably the action of one man leads another to follow suit for -- need I repeat? -- everything is interdependent.

Another reason may be, and sometimes is, involved. It is the desire [181] of a husband to bind a woman more securely to him by paying a lot for her. This is certainly a praiseworthy feeling, especially considering the women's readiness to resort to divorce. Its practice, however, is full of dangers. If it is limited to an isolated case, that is, to a single monogamist who gives his entire fortune for his only wife, the danger is minimal. Such is the case of one of our catechists who paid an enormous amount, without its having the slightest repercussion on his region. But the danger is very great if a man does this to establish a harem, especially if for that purpose he entices the wives of others. Thus, for instance, a man to whom the administration gave great political powers caused a fantastic increase in the general bride price among the Ekonda of the north. (1)

1. One factor which helped increase the bride price among the Wangata and other tribes in the vicinity of Coquilhatville has been described by Father Kaptein in Congo, 1922, Vol. 1, p. 544. Since his study is written in Dutch, I think it would be useful if I translated the whole text here:

"When the first Europeans arrived at Leopoldville and Brazzaville, fabrics and other European articles soon made their appearance in Coquilhatville. The chiefs Yoma of Boyeka, Ibuka of Boyere (Boyela), Yamba of Eala; Nkake of Bokele, etc., went up the Tshuapa and Ikelemba rivers and, by means of these goods, bought slaves, women, and ivory.

583x
177 "When they returned home, they acquired wives in their region and paid for them with the slaves and women they had purchased cheaply by means of European products. They paid three or four slave women for a wife in their region. The arrival of the Whites and of foreign Blacks taught them the number *nkesi* (10,000), a word which they thought meant 1,000 and which in the past they had called 10 *nkoto* or 10 x 100.

"The Europeans soon became involved in native palavers concerning women. This was inevitable in the Black Country. When the [182] Blacks brought their palavers before the Whites they either did not want or did not dare to say:

'I paid for this woman with 3 other women'; they would say, 'I paid for this woman with 3 *nkesi* of *mitako*,' that is, 3 x 1,000 *mitako*. In the meantime, the words *nkoto* and *nkesi* acquired their significance of 1,000 and 10,000 respectively. But people continued to say that a woman had been paid for with *nkesi* through either an error of the Whites, or the greed of polygamists, or both. Later, several women actually were paid for with *nkesi*, especially when the *mitako* became the official currency of the Congo. Actually, this development was not surprising, since the polygamists had a monopoly on women, and it was very much in their interest to increase the price.

"Formerly the price of wives was no higher in Wangata than elsewhere. Only 5 *bakonga* were paid for many wives, for instance, at Bokala near Bamanya, a village under the jurisdiction of Chief Yoma of Boyeka."

583x 177 It would be good to counteract that much increase in bride prices. For there is a danger that it will condemn to bachelorhood many young men who could otherwise build a home out of the fruits of their own labor. [182]

583x 586x The second meaning of the term "traffic in bride prices" has a more precise application. After a divorce all the valuables must be returned to the husband. Consequently, the new husband must pay at least as much as the first, and in general he even has to add a supplement for the family who, after all, have incurred expenses for the palaver. And so it continues. Thus the more husbands a woman has in succession, the more her bride price increases. It seems to me that this practice is in no way to be condemned. The increase is reasonable. For it not only constitutes some compensation to the woman's family for their troubles but, in addition it may exercise a good influence on the social condition of the people. If it is to have such an influence, divorce must not become a means of satisfying greed (in general, at the present time, it has not yet become such a means), and the increase must not be excessive.

000 In such cases the increase in the bride price can thus have a wholesome effect on the morality and stability of marriages by making men afraid of marrying a divorcée and, as a result, making women more cautious and less flighty. Here everything depends on caution, restraint, and supervision on the part of responsible authorities. [183]

4. The reason for the existence of the bride price

583x 174 This is a question which should not be asked of the natives; they do not know how to answer it. Nor do the facts provide any certainty. All that can be attempted is the construction of a hypothesis which fits the reality.

The following explanatory theories have been put forward: that it is a compensation to the woman's family for the loss of a member (see, for example, Seitz in Africa, Vol. 3, p. 85, and also Torday in Africa, Vol. 2, p. 275, under "Exchange"); that it is a payment for fecundity; and finally, that it is a guarantee of the

583 stability of the marriage and harmony in the household (see, for
174 example, Torday, *loc. cit.*, pp. 274 ff.).

It is apparent from the description of the payment of the bride price that the Nkundo data tends primarily to support the last of these three theses, though the first is not excluded and perhaps both can be combined in a single explanation.

The bride price includes one portion which is somewhat special, namely the *bosóngo*. Now what is the reason for the existence of this special payment? Although later in the text (Chapter VIII) we will note some relevant facts concerning the refunding of the bride price, which may provide a clearer understanding, we can already indicate here a few explanations that have been put forward. Various colonials have often suggested that the slave is demanded as a replacement for the woman, that the loss sustained by her family with respect to her activities (childbearing, work) (1) had to be compensated for by handing over a human being who could work for the family and give them children (the children of a slave always remained dependents of their father's master). This explanation is clearly an application of the compensation theory to the case of the *bosóngo*. And with reference to this special portion of the bride price, the rules of Nkundó law favor the hypothesis in question. [184] A man who has not made this last payment loses his rights over one of his daughters, whose bride price enriches the mother's clan by providing the means for procuring another wife. The explanations given by the natives, however, give the impression that this rule is a sort of sanction, though in reality it is not, as we have seen.

5. The essential component of the bride price

583x As we have seen, the bride price consists of several payments: the *ikulá* and the *ndanga*, both promissory payments; the *walo*, which is the first part of the actual bride price, and the *bosóngo*, which completes the bride price. The *belonga*, etc. need not be considered.

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1. See Chapter VI, Article II.

583x Which of these payments is the essential component of the bride price? The *ikulɛ* and the *ndanga* can unquestionably be excluded. The nature, purpose, and names of these payments as well as the title accorded to the woman after they have been handed over show that they are simply engagement payments. Of the other two payments, we can conclude that the *walo* is the essential one. For the *bosɔ́ngo* adds nothing legally to the marriage, and its significance lies only in secondary matters which need not be repeated here.

6. The role of the family

589x 596 As we have seen, it is always the father or his successor, who arranges everything, who takes care of everything, who plays the leading role. A marriage cannot be arranged in the absence of the head of either the husband's or the wife's family.

As this book is being written, a young man, Ikotama of Bongíli (Liɔ́kɔ́, Ekonda), who is in possession of the valuables necessary for the bride price of his intended, Etɔ́li, daughter of Mpokɔ of Lofelɛ́ (Bongíli), has for many months been awaiting the arrival of his uncle Ekamba, who is head of the family [185] and who has been detained by his duties as catechist of the Protestant mission at Longa.

Although the mother receives a certain portion of the bride price, she has no right to intervene in establishing and arranging her child's marriage. Her husband informs her of everything and even pays more or less serious attention to her views, opinions, and wishes; but he does so solely out of the spirit of harmony and conjugal love, not because she has the slightest rights, legally speaking.

This would be the place to make a synthesis of what we have seen up to now and to try and deduce from it the legal concept of Nkundɔ́ marriage. But since some very important questions still remain to be studied, this synthesis must be put off till the end of Chapter III. [186]

Chapter III

The Various Forms of Marriage and Pseudo-marital Unions

581 Various forms of conjugal union exist in Nkundó law and practice, although not all of them reach the same degree of perfection, and certain ones are only known among some of the tribes under discussion.

The word "marriage" is translated into Lonkundo as liála. It is used in the broad and universal sense as well as in the narrow, as is the verb from which it is derived, bál. This verb designates a sexual union per se, even if it is illicit. Thus the Nkundó say íy'áfɛ́ bale ô liála, meaning that the relations between two people (adulterers or unmarried persons) are not isolated acts but part of a continuous relationship which takes the form of concubinage and therefore externally resembles marriage.

A man who marries, that is, the husband, is mbáli. But this is a general term, and it is not used to describe his relationship to his spouse; the word for "husband" in this specific sense is bǒme. The person who has paid the bride price is ńjengi (from the root -ɛ́ng). He may be someone other than the mbáli, as the examination of marriage by inheritance (Article II) will show.

583x After returning briefly to the typical marriage arranged as we have described in the preceding chapter, we shall examine in detail the other forms of marital and pseudo-marital unions found among the Nkundó. As described in the articles to follow, the Nkundó forms of union are:

I. Marriage by Nkumbó
II. Marriage by inheritance
III. The marriage of a Bosóló, which is a special case of II
IV. Replacement
V. The gift of a wife, or Boóngá
VI. Exchange
VII. Purchase

Another form of union is the marriage of a slave, but we will leave its discussion for Chapter VII (Article V).

Article I. Marriage by Nkumbɔ́

583x A marriage arranged as we have already described is a standard marriage, called liála jǎ nkumbɔ́. Nkumbɔ́ means "the act of taking in marriage in the standard manner"; the verb is -kumbol and the intransitive -kumbwa, "to be taken in marriage." The transitive form is applied only to the husband, the intransitive only to the wife. That is, the woman's role of being taken in marriage must needs be expressed by the intransitive-passive form, whereas the man's act is expressed by the transitive.

A marriage by nkumbo is a marriage with a free woman by means of the payment of a bride price directly to her parents through the medium of a ndonga.

This form of marriage is adhered to whether the wife is a girl
583x who has not previously been married or whether she has already had
586x a fiancé or a husband. In the latter case the union only becomes a marriage by nkumbɔ́ after the divorce. (1)

1. See Chapter VIII, Articles II and III.

The latter case differs from the former in that the persons involved must proceed with great circumspection as long as the bride price has not [188] been returned, so as to avoid provoking the abandoned husband's wrath and its consequences (fights, wars), and in that the woman's parents must reimburse him for the bride price he has paid. In the interim the woman may return to her family, or she may go directly or indirectly to her new lover. But in the past the latter was seldom done, as it could have led to very unpleasant consequences. This course of action was open only if the new husband was a rich man, who would pay the bride price without delay, or one who was feared for his courage, his fervor in battle, his power, or the great numerical superiority of his clan, his dependents, and his Batswá. For the previous husband retains his rights as long as restitution of the bride price has not been made.

589x The Nkundɔ́ consider marriage by nkumbɔ́ to be the perfect marriage. This will become more apparent through the examination of the other forms of marriage described below.

Article II. Marriage by Inheritance

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428 This form of marriage is called *liála jǎ lisangó* or simply *lisangó*. The meaning of *lisangó* is "inheritance," from the verb *sangol*, "to inherit." The word is used in the broad sense and is applicable to any object.

The death of a husband does not in itself free his widow. She remains bound to the deceased's family.

After the celebration of the end of mourning, the widows of the deceased, required to abstain from all sexual relations until that time, go back to their respective families. During the last period of mourning they have already had the opportunity of being courted or of resuming their relationships with their former lovers, whether or not they are relatives of the deceased husband.

A person wishing to marry the widow must address himself to her own family. Therefore, except in the case of the *bosóló*, to be discussed in the article which follows, the distribution of wives among the heirs cannot be considered as a distribution [189] of persons as such. Rather it is a division based on the valuables which these persons represent. Theoretically, the wives are inherited by the brother of the deceased, but other relatives, especially nephews, may have partial or total rights over one or another among them. (1) These rights are based on the source of the bride prices by means of which the wives were acquired. We have already touched on this subject in the preceding chapter in relation to certain relatives. Still other situations may arise, but instead of going into a long discussion I shall explain them by giving two case histories.

1. See Chapter II, Article IV, 3, as well as Article X.

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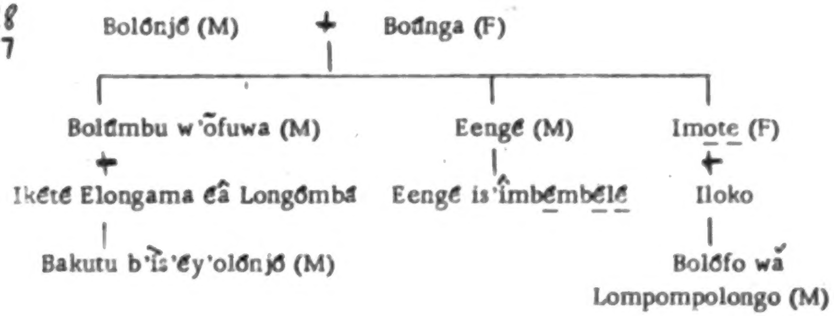
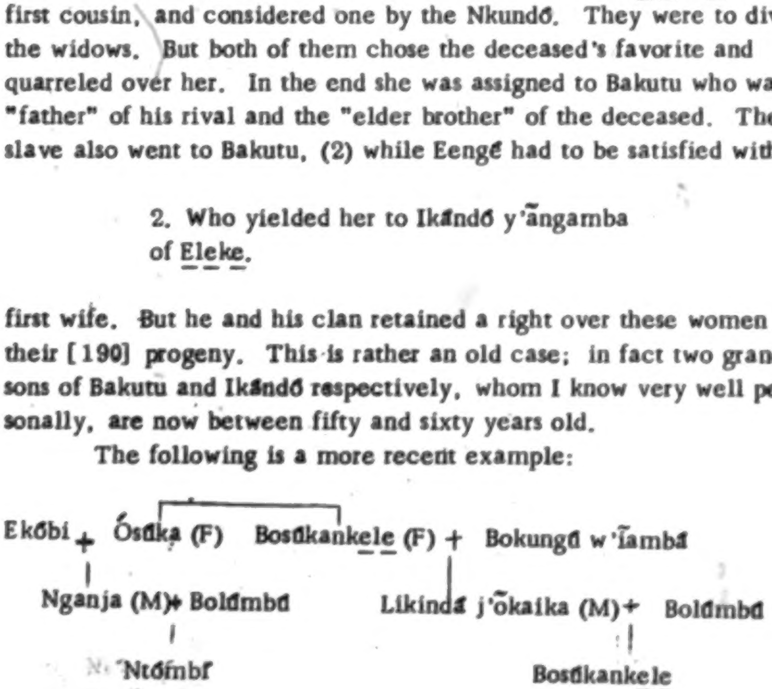

Bolónjó (M)
Boɑ̃nga (F)
Bolɑ̃mbu w'õfuwa (M)
Eengɛ́ (M)
Imote (F)
Ikɛ́tɛ́ Elongama ɛ́â Longómbɑ́
Eengɛ́ is'îmbɛ́mbɛ́lɛ́
Iloko
Bakutu b'ĩs'ɛ́y'olónjó (M)
Bolófo wǎ
Lompompolongo (M)

Imote of Eleke (Bongíli), one of the Lokongo clans, married Iloko of Imomo (Bongíli). With valuables received from his mother's family their son, Bolófo, married three women: Wǎngi, Bosoí, his favorite, and a slave from Bolakɑ́ (Wǎngatɑ́). When he died, his widows went to the Eleke clan which was the source of his wealth. Two claimants appeared: Eengɛ́ (first cousin of the deceased but in
[601] Nkundó terminology his son) and Bakutu of Bokenda (Besombó) also a first cousin, and considered one by the Nkundó. They were to divide the widows. But both of them chose the deceased's favorite and quarreled over her. In the end she was assigned to Bakutu who was the "father" of his rival and the "elder brother" of the deceased. The slave also went to Bakutu, (2) while Eengɛ́ had to be satisfied with the first wife. But he and his clan retained a right over these women and their [190] progeny. This is rather an old case; in fact two grandsons of Bakutu and Ikɑ́ndó respectively, whom I know very well personally, are now between fifty and sixty years old.

The following is a more recent example:


Ekóbi
Ósɑ̃ka (F)
Bosɑ̃kankele (F)
Bokungɑ̃ w'ĩambɑ́
Nganja (M)
Bolɑ̃mbɑ̃
Likindɑ́ j'õkaika (M)
Bolɑ̃mbɑ̃
Ntómbɛ́
Bosɑ̃kankele

2. Who yielded her to Ikɑ́ndó y'ãngamba of Eleke.

2: Hulstaert--175 M-5 (ca. 1930) 1938 FO32 Mongo FO32
Nkundu

428 Two sisters, Osɔ́ka and Bosɔ́kankele of Ikengo, Ntɔ́mbɛ́
587 (Wǎngatɛ́), were married respectively to Ekɔ́bɛ́ of Likɛ́ala (Besombɔ́, Bombwanja) and Bokungɔ́ of Bombɛ́nga wǎ Ikolɛ́ (Besombɛ́. Nganja married Bolɔ́mbɔ́ of Iɛ́mbo (Bonkoso). When Bolɔ́mbɔ́ became a widow she was inherited by Likɛ́ndɛ́, the first cousin of the deceased on his mother's side, so that the patrimony would not be scattered. She gave Likɛ́ndɛ́ a daughter, Bosukankele, whose bride price he used to get himself a wife, Bombɔ́la (Teresa), daughter of Ilito of Bolɛ́ngɛ́ (Bongíli). At Likɛ́ndɛ́'s death the rights returned to Ntombɛ́ (Joseph) in the person of the widow Bombɔ́la, the *nkita* of his uterine sister.

587 If the legitimate heir, or some other close relative of the de-
428 ceased, wants to marry a widow, he consults the head of the family
585x and then goes to the woman's parents and gives them *bekooli* (1),

1. The plural of the noun derived from the verb *koola*, "to seek, to take for someone," hence, "objects in order to go and take someone."

which consists of 1 to 3 copper rings, added to the amount of the bride price. This gift shows the suitor's respect for the woman's family. (2) If after a time the woman no longer wants to stay with

2. In addition to this native interpretation another may be given which is more profound and of a legal nature. This will be done further on (Article IX).

him, but loves another close relative, the latter also brings his *bekooli*. This is expected of him even if the woman has not gone home in between, but has gone directly from one man to the other.
[431] [191] The *bekooli* of the first man are then returned.

If the new husband is only distantly related to the deceased, (1)

[601]

1. In that case he is called *eɔ́to ɛ́ɛ̂ nsɔ́ngɛ́*, literally "relative from the summit," as against *eɔ́to ɛ́ɛ ntsína*, "relative of the base," therefore a close relative.

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587 against eóto éâ ntsína, "relative of the base," therefore a close relative.

431 he must not only bring bekooli to the woman's parents but also give a bompángá called nsăsangó or bosangójwá a goat, a dog, or 5 to 10 copper rings, depending on the circumstances) to the heir. This is not part of the bride price, which is a payment to the woman's family. It is a gift intended to assuage the feelings of the heir and to secure or strengthen his good will. It is equivalent to a request for permission to cohabit with this woman and to profit by her work.

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587 Thus we must distinguish between two types of marriage by inheritance:

1) The new husband and heir belongs to the immediate family of the deceased; he is eóto éâ ntsína -- a son, brother, uncle, nephew, or cousin.

2) The new husband and heir is distantly related; he is eóto éâ nsóngé.

In the first instance the marriage is considered fairly stable and difficult to break, but nevertheless more easily dissolved than a marriage by nkumbó. With how much difficulty it is dissolved depends on the degree of kinship. The reason given by the Nkundó for the greater ease with which such a marriage is broken is that the heir-husband did not himself pay the bride price; he only received the woman from someone else. Thus, if he no longer wants her, he justifies sending her away by saying, "It was not I personally who paid your bride price." For her part, the woman will invoke the same reason, mutatis mutandis. In all other respects the union is like a marriage by nkumbó. Therefore, [192] when the woman leaves her husband the term kófa is used here as in the case of a marriage by nkumbó.

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471 The second type of marriage by inheritance is clearly different from the first. The new husband is not a husband from the legal standpoint; he is only a husband in the improper sense, physically. In spite of the nsăsangó paid by the common-law husband, the legitimate heirs, hence the close kin of the deceased, especially the relative who was entitled to the woman and to whom she was given when the

471/587 428 inheritance was divided, remain her masters. This is apparent from all the consequences resulting from the situation:

1) Children born of the union belong, not to their natural father, but to the owners of the woman, the bankɔ́lɔ́. They are the ones who will eventually consent to the children's marriages and receive their bride prices. They alone have the right to give the children a name. [553]

2) The man functioning as husband has only partial rights to the results of the woman's activities. Thus, if she finds a treasure buried in her field, captures a fleeing slave, or finds any valuable object that has been abandoned or lost and whose owner is not known, such as, for example, rings, objects of worked metal, elephant tusks, etc., these will not belong to her husband, as they would in a marriage by nkumbɔ́, but to the masters. The latter are also entitled to a part of the fruits of her labor: fish, caterpillars, and even food she has prepared.

3) If, on some occasion or other, the new husband wishes to make a gift or a payment to the woman's family, he has to request the intervention of the husband-owner. He therefore asks the latter to accompany him, saying: ɔ́ndakɛ́ likilɔ́, "make me acquainted with my parents-in-law; introduce me to them." They go there with the ndonga.

428 587 It may even happen that the bosóngo has not been paid yet and that the common-law husband has the slave [193] or the equivalent valuables needed for the payment. With the permission of the owner and accompanied by the ndonga he may make this payment. Nevertheless, he obtains no additional rights over the woman.

If one day the woman returns to the immediate family of the deceased, who are her "masters," the latter must make restitution to the common-law husband for these supplementary valuables and for all the payments he has made. If any stranger marries her by nkumbɔ́, the entire bride price is returned to the heirs of the deceased, who must reimburse the man who has acted as her husband for all the bride-price payments he has made.

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587 This practice of ndǎlaka likilő is not without disadvantages. It may be feared that the heir deny that the payments were made and refuse to reimburse the man for them. His refusal is facilitated by the fact that the ndonga involved is the same one who participated in arranging the marriage agreement. Thus, there is a tendency to omit the practice.

Note that the expression ndǎlaka likilő is not applied only to this situation; it is also used in the obvious sense -- for instance, when the man is simply to make the acquaintance of the woman's [431] family without presenting any payment (though of course it is in- [574] conceivable that such a visit would be made without bringing presents), or in the case of a man who wants to be united with a relative of the wife of one of his relatives or friends.

4) Any presents given by the woman's family to the common- [431] law husband, for instance during a visit or for a service rendered, etc., do not belong to him; by right they go to the heirs. If the latter are kindly disposed toward him, they will allow him the usufruct of a portion of these goods, but he has no right to them strictly speaking.

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587 5) If the woman breaks this union the verb used is not -kőfa but -kumbwa, "to be taken in [194] marriage." If she returns to a close relative of the deceased, that is, to one of his bankőlő, the Nkundő say that "she has returned to her husband," aőlut'ěka bǒm'ǒkǎɛ. For his part, the man who has taken the woman in common-law marriage may repudiate her at any time. He says to her: kendǎ ěka baőm'ǎkě, emǐ ntsíkwěngǎki, "go to your husbands; I did not pay your bride price." The valuables he has given as nsásangő will be refunded.

6) Lastly, if the woman dies while living with this man, he has to pay an indemnity (-foma mbǎlaka), usually a slave or its equivalent, to the legitimate heirs.

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587 Thus the second type of marriage by inheritance has none of the characteristics of a legitimate Nkundő marriage. The husband has only the enjoyment of the woman. Only the heir of the deceased may truly and legally call her his "wife." Usually a woman involved in such a union is called the heir's "thing" (yǒmba). The heir is called her "owner," her "master," and the term "husband" is reserved for the man who cohabits with her.

428 Because of all these obvious differences, the Nkundɔ́ tend to
587 consider this second type of union nonmarital. It resembles actual
581 marriage only externally; in the final analysis, the difference is fundamental, since it has none of the specific properties of a marriage. Therefore such a union is not a marriage, but a continuous concubinage.

A man who cohabits in this manner with a woman for whom others have paid the bride price is often the object of humiliating allusions. He is treated as nkolasangɔ̂, "inheritance taker" (that is, of inherited women). If a woman involved in the type of union described quarrels with one who has been "bought" in the regular manner, the latter will sometimes clap her hands (-foma losáka) to indicate her superiority. That is why such a woman is sometimes called wálí ɔ̂á fomalosáka in contrast to the other. [195]

[797] Present-day circumstances make all this even more clearly apparent. Nowadays, even pagan natives almost everywhere are aware of the intransigence of the Catholic Church on the question of the indissolubility of a marriage which has been effected through the religious ceremony. For this reason the "masters" of a woman who is legally theirs but who is actually living with another man in the manner described, will not permit her to enter into a religious marriage with this man unless he pays the bride price.

Therefore we may consider the type of union described above a concubinage which does not satisfy the moral conditions for a true marital union. As to the first type of marriage by inheritance, namely a union with a close relative of the deceased, the question is more complicated; but it is my opinion that such a marriage is valid from the moral standpoint. I hope, however, that in order to attain greater certainty on this point, others will re-examine the case in the light of the various aspects of the solution that have been presented.

The following historic case pertaining to individuals whose genealogy appears below will illustrate the preceding discussion:

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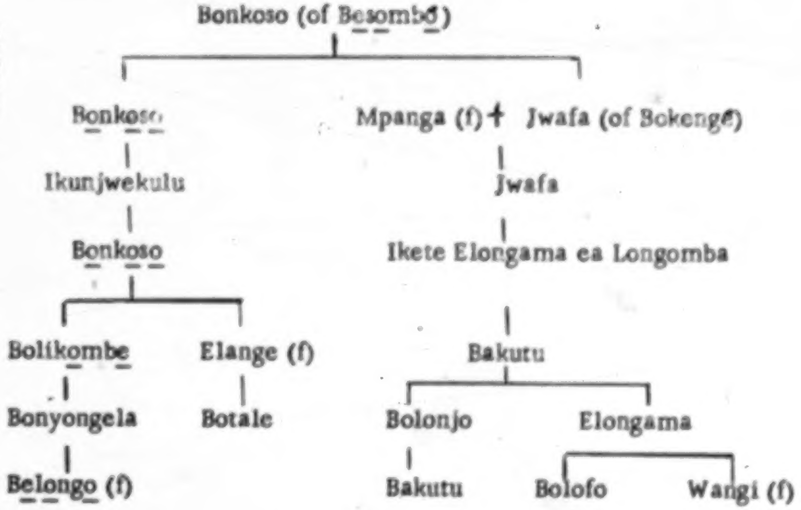
Bonkoso (of Besombó)
Bonkoso
Mpanga (f) + Jwafa (of Bokengé)
Ikunjwekulu
Jwafa
Bonkoso
Ikete Elongama ea Longomba
Bolikombe
Elange (f)
Bakutu
Bonyongela
Botale
Bolonjo
Elongama
Belongo (f)
Bakutu
Bolofo
Wangi (f)

Elongama (the younger) married Ikókó of Bongíli, daughter of Bolékélá wǎ Nkunja and Tómpénda. After his death, his widow was taken as inheritance [196] by Bonyongela, to whom she gave a daughter, Belóngó. Bakutu (the younger) and his first cousin Bolófo were the ones who disposed of the daughter's bride price and were responsible for the marriage palavers; her father, Bonyongela, (since deceased) and his brother, Bonkoso, were not. Out of kindness, Bonyongela was given 18 rings. Bolófo added the other 30 to his sister Wǎngi's bride price to obtain his wife Ióngó (of Likolí, now deceased). After x number of years, Ikókó left Bonyongela for Botálé, a sister's son who, being a close relative, gave no nsǎnsangó. That which had been paid by Bonyongela was returned to him by Bakutu, since the union was broken. Five years later, Ikókó left Botálé with whom she was dissatisfied because he was lazy and did not bring her enough game, clothing, etc. She went to live with Ilumbé of Ngombe Mbálanga (Bongíli), who was a distant maternal relative and therefore gave the prescribed nsǎsangó.

Another instance turned up recently (May, 1933). One of our Christians, Babolá Michel of Ianda (Bonkoso) wanted to take a wife.

428 He had set his heart on Bolúmbɔ́, daughter of Ntando ɛ́y'ilengu of
587 Bofalambɔ́ka. Upon the death of Bolúmbɔ́'s husband, Esalɛ́ ɛ́â
581 Lonkongɔ́, (in 1926), she had been asked for by Bombɔ́ngo, a distant relative of Esalɛ́. Proceeding in the customary fashion, Bombɔ́ngo had made his request through the medium of his elder brother Engambɛ́ and had paid a bompɔ́ngɔ́ of 4 bakonga and 20 francs. In the meantime, Babolɔ́ reached adulthood; he left our school and returned to his native village. Being a true nephew of Esalɛ́ ɛ́â Lonkongɔ́, he had a direct right over this woman, who left Bombɔ́ngo. Since the latter protested, however, the priest was faced with a moral problem; the question was whether or not there was a real marriage between Bombɔ́ngo and Bolúmbɔ́. If there were, there would be no question of a marriage between Babolɔ́ and Bolúmbɔ́, since the Church could not break a valid marriage between Christians. I have said above that a union of the sort involved in this case is not, in Nkundo eyes, a typical marriage. However, I wanted to have every assurance and to be as certain as possible. To that end, I went to Bonjoku at the time of the tax collection. I found many men gathered there. I raised the question of marriage by inheritance. The discussion ended on the unanimous expression of the opinion that in the instance involved nothing opposed the new marriage. The men gathered there added that all similar cases are rather a sort of concubinage accepted by ancestral law, but lacking all characteristics of a true marriage.

In order to avoid the many disadvantages inherent in this second form of marriage by inheritance, the husband, if he has any wealth, will do everything he can to collect the valuables needed for the bride price and pay his father-in-law. The latter will use the bride price to reimburse the heir. By making this payment, which is handed over through a new ndonga designated by him, the husband obtains complete possession of the woman. The marriage by inheritance than changes into a marriage by nkumbɔ́. The besangɔ́jwɔ́ which the husband had previously given the heir must be returned, and the heir's ties with the woman are broken by these formalities.

[579] It sometimes happens that the heir takes a very dim view of this new payment and takes offense. In the past a war, through illegal, could result -- after which, as always, the matter was settled just the same.

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581 On the other hand, it also happens sometimes, and even quite often, that although the woman loves her "husband" (in the improper sense) she does not want any change. At heart she remains attached to the kin of her deceased husband, through her love for him or because of her affection for his family, who have always treated her well. It is not unusual for the common-law husband to encounter unalterable opposition to a regular marriage. The woman may [198]
[578] even take such offense at the proposal that she will leave the man for a close relative of the deceased.

In this type of situation another sort of development may also occur, although it is quite rare. For example, there is the case of Lowâka, daughter of Bompókó of Bo̱nto̱le̱. After the death of her husband, Botóna of the Basέka Ilóka (Lofelí), she was taken in marriage by one of his relatives, Nse̱nge̱, who gave the prescribed *besangójwá* to Imo̱mo̱ of Bofalambóka, Botóna's *bonankáná*. After a certain time Imo̱mo̱, who had had a slight palaver with Nse̱nge̱, did not want the situation to continue. He demanded a regular marriage so that he could make use of his rights to Lowâka's bride price. Nse̱nge̱ agreed and paid 60 *bakonga* to the woman's parents, who reimbursed Imo̱mo̱. Imo̱mo̱ returned the *besangójwá* he had received, and thus Lowâka became the true wife of Nse̱nge̱.

One can see that the gamut of individual variations comes into play here, depending on the temperament and the feelings of the persons involved. But the most common practice is for the widow to remain attached to the family of the deceased or to remarry in the prescribed fashion.

In the latter case the widow goes to a man who is not related to the deceased, either immediately after mourning or after a period of conjugal life with the heir. The latter is entitled to a reimbursement of the bride price. The new husband must make all the customary payments through the medium of his own *ndonga*, exactly as he would for a first marriage by *nkumbó*. Consequently, this union is not considered a "marriage by inheritance," with which it has nothing in common.

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431 In any marriage by inheritance -- that is, where no bride price payment is involved -- the husband, whether he be the heir or

428 587 431 simply a relative of the deceased, must give the woman a present called isangó, or inheritance gift. The woman either hands this gift over to her family or keeps it for her personal needs. In any case [199] it is not considered a part of the bride price.

Finally, when a widow remarries, either by inheritance or by a new nkumbó, her husband must make her a present of one or two rings or knives of equivalent value before having conjugal relations with her. This present is given either on the same day as the isangó or on another, depending on the circumstances. It is called boángá, "couch," or, more commonly, ikondeyantangé (from -kondeya, "to make someone get on," and ntangé "bed"). It is a gift of consolation for widowhood. This gift of ikondeyantangé is probably what Engels referred to in his study on the Wángata we have already cited, when he spoke of "buying off mourning."

428 587 An examination of marriage by inheritance shows that the widow is free to remarry a man of her choice, whether he be the heir or another relative of the deceased or some stranger. The only exception is a woman who has been willed to someone by the deceased. (1) If the heir subsequently does not fulfill his obligations toward her, she can react the same way as in a marriage by nkumbó. As for the special case of the bosóló, we will deal with it separately.

Another law may be deduced from the facts observed: as long as no new bride price is paid, the woman continues to belong to the family of the deceased. Only a restitution of the bride price breaks the contract and destroys all its consequences. (2)

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1. The Nkundó scrupulously observe the stipulations of a will (boango or bowâko) because they fear the vengeance of the deceased. When a person expresses his last wishes he usually adds the threat, "If you don't carry out my wishes, you will follow me in death."

2. We will come back to these points in Article IX, and in Chapters VIII and IX.

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587 Lastly, these facts demonstrate collective ownership within the clan or the extended family. When a close relative, such as Bosálá for instance, marries a widow, he considers her legally as his legitimate spouse, just as she was the legitimate spouse of the deceased. [200] No new bride-price agreement is necessary, since the preceding one continues to be valid. The only new element introduced is that another person in the family of the deceased enters into a marriage bond with the widow. Whether the person marrying the woman is the legitimate heir or a close relative makes no difference because of the community of interests that exists (the children belong to Bosálá as much as to the heir, for example). (1)

1. We will come back to this question further on (see Article IX).

837 Because of the superficial resemblance between different situations, it should be mentioned here that the enjoyment of a woman in a common-law relationship is not asked for exclusively in the case of a widow. Such a request may also be made in connection with the wife of a polygamist while the husband is still living, but this is done only by a close relative and even then is not well regarded. Usually the situation is as follows: a man falls in love with one of the wive's in his relative's harem, and she shares his sentiments. He takes her home with him. There is a palaver. The husband is furious, breaks of all relations with the seducer, and wants no more of his invitations or his gifts, which means the quarrel is serious. Therefore, other relatives intervene to try and reconcile the two adversaries; seeing that there is no way to prevent the cohabitation of the pair or judging that such action would not be expedient, they try to pacify the legitimate husband. Through the agency of his elder brother, the lover sends him a gift in entreaty. The husband, finding no one on his side, bows down before the fait accompli, accepts the gift (bompángá), and yields the enjoyment of the woman. Instead of going about the matter in this cavalier fashion, the lover may also make his request in the normal manner. If for one reason or another the lovers want to stop living together, they separate without further

837 ceremony. If the husband is kindly disposed toward them, he gives back to his relative the valuables the latter has paid, and the incident is closed. [201]

That is what happened some time ago to Insɛ́lo, of Bokenyola (Bonjoku). (1) In the harem of his maternal uncle, Efonja Is'Ôfuwa,

1. Now chief of the Bonkoso.

who was originally from Bonjoku but had been integrated into the Bongale, he had noticed a certain Mbilɛ́eyenga, originally from Bosáá, and "his heart was rent asunder," as the Nkundɔ́ say. Through the agency of his older first cousins Mpetsɛ́ ɛ́â Lingomo, ye sent Efonja a bompángá of 6 rings, asking him to be kind enough to allow him to cohabit with this woman. His request was well received. But after a certain number of years their passion cooled, and Insɛ́lo wished to contract a proper marriage to give himself posterity. He therefore parted from Mbilɛ́, who went back to her husband. The latter returned the 6 rings to Insɛ́lo, because he did not want to enrich himself at the expense of a relative.

Article III. The Bosɔ́lɔ́

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The marriage of a bosɔ́lɔ́ is a special form of the inheritance of women.

The term bosɔ́lɔ́ is used everywhere. The Injɔ́lɔ́ also use a synonym, njɛ́mɔ́, an incorrect term derived from the verb ɛ́mola, "to make [someone] get up." Thus they say ɛ́moja bǒna njɛ́mɔ́, "to give the child (son, daughter) a bosɔ́lɔ́. (2) Among the Beloko and their

2. The Elanga tribes in the Losanganya region also use this expression.

Elɛ́ngá the term bombɛ́jɛ́ is used as well as bosɔ́lɔ́.

On the day when the widows are "lifted from the ground" and

428 permitted "to return to the bed," (3) all those entitled to the rights
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of a father -- that is, those who have precedence, whether men or women -- gather with the sister's son to proceed with the ceremony. As always, each person yields his right to speak out of mutual respect, Finally, the eldest again has the floor [202]; it may be the deceased's father, brother, or paternal aunt (isómoto). This individual who is in charge, makes a short speech appropriate to the occasion, and then gives one of the widows to the first-born of the children (nsómí). He takes the latter's preferences into account, having made sure of them in advance. The widow is given to him with the statement: "We have wrested for you the bosóló which your father has left you," tókokumela bosóló bǒkí isɛ́ okotsíkɛ́láká. The actual meaning of kumá is "to seize by pulling toward oneself, to pull up," and includes the idea of strength. The word is primarily used in such expressions as kuma baño, "to pull up weeds," kuma nsálá, "to pull out feathers," etc. But it is also employed whenever anything is taken or pulled forcefully toward oneself, as in kuma mbombo, "to pull a chikwangue out of a heap."

The bosóló is always given to the first-born, regardless of sex, to the exclusion of the other children. If the eldest is a girl, she passes the bosóló on to her brother, first-born among the boys. This is a real seniority right, and it must be bought, or rather paid for, by the brother by giving his sister a present which most frequently consists of hens, money, small useful objects, or often a quantity of beer. The same rule applies if the eldest yields his right to a younger brother because the latter is passionately in love with her or -- nowadays -- because he does not want to take a second wife.

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3. See "Les Coutumes funeraires des Nkundo" [The Funeral Customs of the Nkundó] (in press, Anthropos). The Elíngá perform this ceremony only a few days after the burial; the Boangi do so even before it. The Injoló are beginning to imitate the Elíngá.

428 In addition a *bɔ́solɔ́* is also given to the *bɔ̌nankáná*. Only the
768 eldest son of the sister whose bride price was used by the deceased may
587 claim this right. If the bride price of the nephew's mother was not involved in the establishment of the harem which is to be divided, he is only entitled to a *bosɔ́lɔ́* who is not someone else's *nkita*, that is, who was acquired by means of riches procured through the deceased's own efforts. If the deceased obtained wives with the bride prices of two sisters, both of whom have left sons, only the eldest son of the eldest sister has this right. (1) [203]

> 1. It may happen that one of the sons of the deceased is disinherited because of the rights of the *bɔ̌nankáná*. If that happens and the latter at least has a wife or can obtain the necessary valuables in his father's clan, he is supposed to yield the woman to his unfortunate cousin. This is a duty imposed by the love of family (*liɔ́ta*), and he may not evade it.

The practice of handing over a *bosɔ́lɔ́* to relatives other than the son or daughter of the deceased seems to be an extension of a right originally reserved for his child.

The desires of the person entitled to the *bosɔ́lɔ́* are taken into account when she is handed over. However, the eldest son can never obtain his father's favorite; only an elder brother may inherit her.

It is thus possible for a son to receive his own mother as *bosɔ́lɔ́*, but only if there are no other widows and if he has no way of obtaining a wife. Naturally, he may not marry her. She is given to him so that when she remarries he will receive the amount of the bride price which will be repaid.

If the deceased leaves no harem but does leave a good deal of other wealth, the *bosɔ́lɔ́* consists of some object of great value. This practice would seem to indicate that the word *bosɔ́lɔ́* is applied to a woman only by an extension of its basic and original meaning, "inheritance by right of seniority."

428 As soon as the bosɔ́lɔ́ is assigned to the person entitled to her, 768 she leaves the group of widows and goes to the home of her new husband. 587 From then on she may cohabit with him, since from that moment the pair are absolved from the observance of the regulations and prohibitions of mourning. Because of her affection for her deceased husband and her sorrow, the woman sometimes begs her new husband to be patient and wait a while. Her wishes are respected, for a refusal to acquiesce would be a very serious offense, which could lead to an immediate rupture of the relationship.

The woman chosen as bosɔ́lɔ́ may refuse the husband for whom she is intended, though such cases are rare and in the past were even unknown. The following instance [204] goes back to 1932: Mpia of Mbanja "acquired" Bɔ̂ngongo of Ilángá as wife for his eldest son, Bompelɛ́. But the young man did not want her. So as not to waste his money, the father incorporated the woman into his harem. When the old man died, Bɔ̂ngongo was given to this same Bompelɛ́ as a bosɔ́lɔ́. This time it was she who did not want him, and, to make matters worse, all the other widows also refused. Subsequently, a second cousin of Bompelɛ́ named Bosɛ́njá wanted to marry Bɔ̂ngongo. But out of spite, Bompelɛ́ did not want to yield her to him except against the payment of a bride price.

Even if the woman makes no objection -- and she generally does not -- and accepts the new husband without loving him, either out of indifference, or to be able to come out of seclusion, or for any other reason, she may always find a way to leave him, if she wishes, for another close relative whom she prefers. This fact indicates that, although theoretically the union of the bosɔ́lɔ́ is supposed to be more stable than a simple marriage by inheritance, in practice it is not; and it does not attain the degree of permanence characteristic of a marriage by nkumbɔ́. The reason is probably to be found in the fact that the union with a bosɔ́lɔ́ and the ordinary form of marriage by inheritance are fundamentally identical, and the rights of the family play a great role in both of them. The following is a recent case history: Ifungá, daughter of Esukúlu of Bongangá (Boɛ́ndɛ́) and widow
[684] of Bolɛ́kɛ́lá of Bongíli was assigned as bosɔ́lɔ́ to her husband's eldest son, named Boongo. Later she claimed that she did not love Boongo but

429 that she wanted to become the wife of his brother Ekamba. Ekamba
768 did not object. But very soon she broke this union as well. This time
587 the chief decided she was going too far and to please Boongo, who
684 had settled with his mother's clan of which he also was a member, he
sentenced her to several weeks in prison. All sensible people approved
of the chief's attitude. In spite of the suppression of such excesses,
a suppression which is necessary, the woman's freedom is protected.

428 We have already indicated that from a moral point of view the
768 marriage of a bosɔ́lɔ́ may be considered on the same level as the in-
587 heritance of any woman if she remains among the close kin of the
deceased. The only difference is that such a union is somewhat more
difficult to break.

Article IV. The Replacement or Substitution

586 When a marriage is broken, instead of completing the divorce
587 by restitution of the bride price, the woman's family often has recourse
to the practice of replacing the divorcée by one of her relatives (such
as a sister, cousin, or niece). The act of replacement, as well as the
woman substituted, is called bankitsá. (1) This name is plural noun derived from kita, "to become," kitana, "to replace, to succeed." The singular would be linkitsá, but it is never applied to this situation.

The substitute usually does not object to the social obligation that falls upon her, unless she feels an unusual repugnance toward the husband. In that case an attempt is made to find someone else in the family. A family may go so far as to take one of its members away from her husband in order to substitute her for the divorcée, especially if no other substitute is to be found and if they care more about the marriage that has been broken than about her union.

The Nkundɔ́ give the following justifications for the practice of substitution:

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1. The Ekonda say nkitsá.

586x 1) The reference for the continuation of a happy relationship
587 by marriage as against the creation of a new one which has yet to prove itself.

2) The desire to avoid the palavers and troubles involved in the process of restoring the bride price and to hasten in providing the husband with a new wife even if there has been no undue delay in reimbursing him).

3) Concern for the children born of the union which has been broken. [206] This is a very important reason, for it is completely in the children's interest that their stepmother should be a close relative who considers them her own children and who is therefore to be preferred over an entirely strange woman.

583x Just as there is no restitution of the bride price in the case
586x of a replacement, so there is no new bride price to pay. But it is
587 inconceivable that the visits necessary for the negotiations should be made without gifts. Thus a replacement inevitably results in an increase of the bride price, since the new payments made on each occasion are added to the former bride price. The more successive replacements are made, the more the amount of the bride price is likely to increase. Thus I have known instances where a bride price which at the beginning consisted of 100 rings had in the end reached the sum of close to 300 rings.

586x In the opinion of the Nkundó the handing over of a bankitsɛ
587 constitutes a true and valid marriage. But it is not a new union but simply the transfer to a different person of obligations which have never ceased to exist, which derive from a marriage agreement that has never been annulled. Thus the woman for whom the bride price was paid is known as the one who began, or founded, the marriage, the second woman simply succeeding her in it: X. ɛmangɛkí liɛla, Y. aɔ̂sulungana (manga, "to begin," or bondola, "to found," or mŭmola, "to begin [at the very beginning]"; as against sulungana, "to succeed [someone]," kitana, "to replace," mumola, "to continue"). For them a true succession to a position is involved. The replacement is not simply physical and external; it is fully legal in the same way that an heir apparent succeeds his fath[illegible] king (there

586* 587 is only one royal power and dignity which continues to exist through the various individuals invested with it) or as in law when, in spite of a change in the identity of the debtor, there is no novation. (1) [207]

1. We will return to this question in Article IX.

Because of the way the Nkundó view this substitution, the bankitsá occupies the same rank in the harem as the woman she is replacing, and she is handed over to the husband by the same ndonga who participated in arranging the initial agreement.

What evaluation should be placed on this union by substitution from the standpoint of natural law? Does it bear the taint of a real vice or does it not? The right of civil powers to break a marriage legitimately contracted is debated. (1) Let us assume that this right exists

1. At the present time the affirmative opinion has almost been abandoned by Catholic philosophers, jurists, and moralists.

and, furthermore, that the woman being substituted really consents. Her view, as well as the view of everyone around her, is that this is a matter of submitting to a family duty imposed by the laws which govern her people. One may wonder whether this requirement can be defended before basic principles of the law in general and in the light of morality. In any case the unanimous opinion of the natives that this substitution constitutes the continuation of a marriage through another person is certainly false. It is undoubtedly the result of an insufficient analysis, which leads them to lose sight of the crux of the problem by focusing primarily on the involvement of the clan in the marital union (see Article IX).

Whatever the case may be, it is possible to say without fear that in the great majority of cases a native woman submits to this law because she considers her submission an obligation which, for the good of her family, she is not permitted to escape.

[197] Moreover, the younger generation is beginning to oppose this practice. For example, here with the Sisters there is a young daughter

586x of Boɛmbo, named Ngo̲ngo̲, who was given to Bokungɔ of Bongíli as a
587 replacement for her sister Ilumbɛ when she was a very small child.
797 Since she was not yet nubile she continued to live with her parents. When they became Christians, Ngo̲ngo̲ was also baptized. On the other hand, [208] Longɔla, a son of Bokungɔ, had become a catechumen and, after coming to the school, was baptized. His father yielded Ngo̲ngo̲ to him as his future wife. Ngo̲ngo̲ (who was now about seventeen) wanted nothing to do with this marriage. It was not that she refused to have Longɔla as her husband; she did not want to be married simply as a bankitsɔ. She insisted on a marriage by bride price, in spite of the difficulties involved in the procedure, which was doubly useless and, for the Nkundɔ, stupid.

587 There is a second form of substitution: replacement after death.
583x When a man has lost his wife and both he and the parents of the deceased want to maintain their alliance, he brings them 20 to 25 rings through the medium of the ndonga for the purpose of obtaining a new wife. This payment is called ibɔleɔko, a term derived from -bɔl, "to beat" (for instance the clay in the ground) and eɔko, "the site of a house." The Injɔ̲lɔ̲ designate it by a different name which however has the same meaning. It is sangɔlɛkojɛ, "the inheritance of a dwelling site."

The procedure is as follows: When the widower has fulfilled all his funerary obligations and, at the end of his second visit to his parents-in-law, he is about to take leave of them, they ask him:

"Well, you're leaving. What are you planning to do now?"

He answers, "I loved your daughter very much. She is dead, and I have buried her. I have fulfilled all my duties. I have always lived on good terms with you, and I would like to continue our relationship. But first I must consult my family. Then we will see." That is how he expresses his wish to continue being their son-in-law. After asking his relatives' opinion, he returns to his father-in-law with the ibɔleɔko. "Here, I bring you the ibɔleɔko; I come to beat the house site; give me a wife." The father-in-law will have already chosen the daughter, sister, or other relative who is to replace the deceased and has already privately mentioned her to his son-in-law.

587 He hands over to him the woman intended for him, saying "Here is
583x your wife." (1)

1. Among the Ekonda, the *ibóleóko* payment has no special name. Moreover, before giving the husband a substitute, the parents require 20 to 30 additional rings which are supposed to pay for the mother's mourning and are therefore called *basɛki ba nyangó*.

For a replacement after death, as for one after a divorce, the parents-in-law will sometimes take a daughter from her legitimate husband so that she may serve as substitute.

The 20 to 25 rings comprising the *ibóleóko* are only the beginning of the payment. A complete bride price is required, as it is for a marriage by *nkumbó*, but the subsequent installments are not as large as for ordinary marriages. Nevertheless, the replacement is thought of as the continuation of a pre-existing union, though this concept is less apparent here than in relation to a substitution due to divorce. Consequently, in a harem the substitute assumes the same rank as was held by the deceased.

The replacement after death is made for the same reason as after a divorce.

Although the two types of replacement resemble each other in that both involve the substitution of one wife for another, there are considerable differences between them.

A substitution of another wife following divorce does not result in the payment of another bride price nor, consequently, in the standard expression of the woman's consent. But on the contrary, the payment of another bride price is required for a replacement after death, and there is a public expression of consent. It occurs when the husband pays the valuables comprising the *ibóleóko* and is done in the same way as in a direct marriage by *nkumbo*. These two differences, and especially the second, make the replacement for a deceased wife a standard marriage from the legal standpoint. [210]

Article V. The Offer of a Wife

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This type of "marital" union can be more readily and clearly explained by an example than by a long description. Suppose that a man named Eale is in need of valuables to terminate some sort of palaver (pertaining to a debt, a fine, an indemnity, a bride price to be paid, etc.). Since he has none and the matter is urgent, he borrows from Ekamba and offers him his daughter Wětsi. This offer is the means of persuading Ekamba to give the valuables Eale has requested. As a result Wětsi belongs to Ekamba, who now has a husband's rights over her. She is not a slave. She could be called a security, but that is not the name used by the Nkundó. They have a term which specifically designates this status, boóngá.

The term boóngá is used by all the tribes under discussion. (1)

1. Also among the Ekonda, although in keeping with the general rule of dialect variation they say bowóngá.

The Injó̱ló̱ alone call such a woman simply wǎji óâ njélá, "a wife that was brought," and therefore taken without a bride price and without the husband's initiative. The expression used for "to give a woman in boóngá "is kúndela Ekamba boóngá. It reveals the origin of the term. Boónga actually signifies a piece of wood, a switch. In this case the reference is to a moderately thick branch which is placed across a small well and which, when attached to another stick of a different thickness, can function as a lokolé. Kúndela is a form of kúnda ("to hit," "to strike") which expresses the relationship with an indirect object. Thus the original meaning of the expression is "to strike the boóngá in order to get someone to help." The mention, not of the lokolé, but of its substitute, is intended to express the fact that a given individual is at an impasse and is asking for the means to extricate himself from it. The matter is serious and urgent; he hasn't time to look for the proper instrument, but in [122] his haste he must be satisfied with the first means he sees by which he can call someone who might save him from his distress.

426 Another expression used is foma losɛ́ka, fomela N. losɛ́ka,
583 "to strike a losaka," that is, a clapping of the hands. The idea involved is the same as above: a man who sees no way out of his difficulties is represented as clapping his hands to attract the attention of someone who can help him. His action is a call for help. Therefore the term losɛ́ka is sometimes used to designate the woman, through the same type of analogy that leads to the use of the word boɔ́ngɛ́.

Although the husband has full conjugal rights over the boɔ́ngɛ́ and her activities, she is not strictly speaking his wife. It may simply be said that she belongs to him, and the fact that she belongs to him gives him the rights of a so-called husband. He has no obligations toward her, as he would have in an ordinary marriage. Thus in the example given above, if the woman dies while living with Ekamba, her father has no claim, even if no bride-price payment has been made, because he gave his daughter to Ekamba on his own initiative. If the boɔ́ngɛ́ runs away from her owner he is entitled to a normal reimbursement of the valuables lent by him and to an additional 10 to 20 rings (or more, in proportion to the size of the loan) as damages for his loss. This supplement is due him even if he has paid a bride price to the woman's father for a legitimate marriage.

For if he loves this woman there is no reason why he cannot marry her properly. He will be especially willing to do so because as long as she remains simply a security, she is viewed with contempt and mocked by her fellows. They say, "You are not a wife, you are only a boɔ́ngɛ́; there is no difference between you and a slave, for your husband has not paid a bride price for you."

Once the bride price is paid the boɔ́ngɛ́ becomes a real wife, and all the rules of law are applicable to this [212] union, which from then on is a normal marriage in every way comparable to a marriage by nkumbɔ́. As to the loan, it is then included in the total amount of the bride price.

426 The pawning of a woman is also carried out through the mediation
583 of a ndonga who, however, bears a special name, ndonga ɛ́â
675 ntsíkoɔ́nda, which is literally translated as "witness of I have not asked you." He is thus contrasted with a ndonga in the usual sense for the

426 following reason: a true ndonga is designated by the husband while, 583x in this instance, on the contrary, the intervention is requested by 675 the girl's father. Consequently, a man who takes a boðngɛ as security against a loan is not obliged to recognize him as a proper official witness. This witness is not a ndonga of a marriage, but he must bear witness to the security agreement.

When a woman given as boðngɛ ran away from her owner, the latter attacked the ndonga and, if he found an opportunity, made him prisoner. If the matter were not settled, he could reduce the ndonga to slavery. But if he did so, he had to expect vengeance on part of the ndonga's family, although, according to the usual and legitimate norm, their vengeance should rather be directed against the man who asked for their relative's intervention. For it is he who is responsible for everything and who rightly should bear all the consequences. The exception, which sometimes really occurred, was due to the idea that "might is right" which, here as in "civilized" countries, is often true. (1)

> 1. This situation is not the only one in which a ndõnga ɛ́â ntsikooñda participates. The intervention of such a person may also be required under other circumstances. For example, Esalɛ́ of Bonkoso was taken prisoner by Isia of Bongíli. Mpetsí was related to Esalɛ́ and bound by friendship to Isia. He begged the latter to give Esalɛ́ back his freedom and guaranteed the payment of the ransom; he thus became a ndonga ɛ́â ntsikooñnd. If the payment is delayed too long, Isia will take vengeance upon Mpetsí and even has the right to abduct his wife as compensation.

When a man who has received a boðngɛ wants to marry her properly he designates his own ndonga, who must fulfill [213] all the conditions required. Thus the ndonga who participates in the pawning is not the ndonga of the marriage. However, since the former has

426 589 675 participated in handing over the boɔ́ngɛ, he is usually allowed the honor of being a supplementary witness to the chief ndonga.

Everything that has been said shows clearly that the offer of a boɔ́ngɛ may in no way be considered a marriage, even though it has some of the external characteristics of a marital union.

A very similar practice but one which now belongs to the past is that of offering a woman in begging for peace (boɔ́ndo). The following is an example from history: (1) At the time when the peoples now living in this area were still settled near the sources of the Ikelemba, there was a war between the families of Mpumo, ancestor of the Boɔ́ndɛ, and Lonyango, ancestor of the Bonkoso. The latter, defeated, called for help from the family of Bokungɔ́, their bonankɛ́nɛ and one of the ancestors of the Bongíli. Bokungɔ́'s family inflicted a stinging defeat on Mpumo.

Mpumo was frightened and begged for peace, offering Bokungɔ́ his sister Mbɔ́laka. Bokungɔ́ accepted. But since he liked this woman, he wanted to contract a regular marriage with her. Therefore he paid a high bride price. But as Mbɔ́laka was of a good family, she declared that she did not want to go to her husband alone and insisted that her father send an ebísa with her. (2) Her relative Wela of Ngombe (Boímbo) was assigned to her. But the old father, wanting to show off his wealth, went even further and added a second ebísa, namely Eulɛ́, daughter of Bokelɛ of Bokɔ́tola, his maternal uncle. Finally, to complete this already ample dowry, Mpumo gave his daughter several men who were Mpɛ́mɛ (dependents) "to work the bellows in Bokungɔ́'s iron foundry." [214] Among them, according to the story, were Bokuka, Líkítɛ, Engota, Lofalanga, and others.

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1. We are giving this story in detail because it is a living illustration of certain manifestations of Nkundɔ́ social life.

2. See Chapter VII, Article IV.

426 583 675 Similarly, Mpumo received Lifomɛ, daughter of Ikɔ́lɛ́ as a boɔ́ndo. Her brother, Ndyɛ̂ntíkala, ancestor of the Mbɔ́ngɛ (Liɔ́ko, Ekonda), offered her to Mpumo in asking for peace. Mpumo married her in the regular manner. In his fight against the Ekonda this same Mpumo in the same manner obtained Boɔ́ngɔ́, the sister of Bangɔ́ndɔ́ of Mpɛ́njwɛ (Wɔ̂yɛ).

Since the victor in war usually wanted to marry the woman in the proper fashion by paying a bride price, the handing over of a relative as boɔ́ndo may be compared to the practice common in Europe in the Middle Ages, when a prince would marry his daughter or sister off to a competitor or an adversary to seal the peace between them. In both cases, therefore, a kind of political marriage is involved.

Article VI. Exchange

583x 189 When they speak of the exchange of women (yenjɛ, from the verb enja, "to exchange" in general), the tribes under discussion do not all refer to the same thing. According to the situation, several types of exchange may be distinguished.

1) The pure Nkundɔ́ have a practice of exchanging daughters, sisters, relatives. This exchange is always carried out through the payment of bride price and the agency of a ndonga. Thus two regular marriages by nkumbɔ́ are involved, and the term "exchange" is only very inappropriately applied to them. The two men who give each other their sisters in marriage are each contracting an ordinary marriage according to the usual norms.

2) Sometimes the term "exchange" is applied to the practice of ikɛkelo, which is better explained through an example than by a long discussion. Suppose that Eale marries the woman Ǎmbɛ. Lokio, Eale's sister, [215] is married to Isia. Ǎmbɛ leaves her husband for one of Isia's relatives. At the first opportunity Eale detains his sister Lokio at his home, thus taking her from her husband, and since his wife Ambɛ does not return to him, he hands his sister Lokio over to another [illegible] in marriage. Or suppose that Eale has married one of Isia's relatives, and Isia has married a relative of Eale. If one of the wives leaves her

583x husband, he takes his own relative back and gives her away in mar-
184 riage elsewhere, using his right of ikɔ́kelo. (1)

> 1. This noun is derived from the verb kɔ́kela, "to guarantee," meaning in this case "to guarantee possession of one's bride-price valuables, one's capital."

As these descriptions show, the custom involves an exchange which is forced rather than voluntary and spontaneous. Nevertheless, it is sometimes called an exchange because it does not involve a divorce strictly speaking; there is no restitution of bride price by either party.

The two situations above therefore correspond only very inaccurately to the idea of an exchange of women. In the first instance, one cannot even speak of an exchange of wives.

3) Among the Bombwanja there is a practice which comes closer to the idea. The following is a historical example: Ikɛ́tɛ́ loves Eanga, a widow of Eko̲fo̲'s father. Eko̲fo̲ in turn loves Ilonga, widow of Ikɛ́tɛ́'s father. They exchange these two women, who are their wives by right of inheritance. It may even happen that Ikɛ́tɛ́, who is very fond of Eanga, gives Eko̲fo̲ a woman from his own harem who loves this man. These exchanges are made without the payment of a bride price, but through the agency of the ndonga who previously participated at the first nkumbɔ́.

This is a real exchange of women. As we have seen, it may be made in two ways -- an exchange of widows or the exchange of a widow for a real wife. From the standpoint of law and justice the two situations are identical; the women exchanged belong to the men exchanging them, who are legally [216] their husbands. But only in the second instance is there an exchange of a woman who is a wife not only legally but actually, with all the rights and duties of a wife. But such a wife is given only by one of the parties. This is still not the exchange of wife for wife strictly and properly speaking.

The distinction we have made between a wife by law and a wife by fact is of some importance. Actual conjugal life introduces

583x 184 a new element from the legal standpoint. This is clearly apparent in the repugnance with which these same Bombwanja who practice the form of exchange just described regard an exchange pure and simple, which will be described below.

The exchange of widows is also practiced by the Elíngɛ. Like the Bombwanja, they also have the two forms of quasi-exchange described at the beginning of this article.

4) On the other hand, a true exchange of wives exists among the riverain peoples known as the Boɔyɛ and the Longa (1); in their dialect it is called iengyɛ. Two men exchange wives. If the bride price of one is greater than that of the other, the difference is refunded. Such an exchange is carried out with the consent of the women involved.

583x 184 152 [837] Let us see how such an exchange usually comes about. Imagine two men, Bokulɔ and Mpolɛ, with their respective wives, Mbindo and Baɔnɛ. Suppose that Bokulɔ falls in love with Baɔnɛ, the wife of Mpolɛ, and the pair become involved in an adulterous relationship. There is a cooling of Baɔnɛ's love for her husband Mpolɛ; she performs fewer and fewer services for him, etc. The same thing happens to Bokulɔ's relationship with his wife Mbindo. The latter is jealous; her patience is soon at an end. She discusses the matter with Mpolɛ, her rival's husband. "See how your wife deceives you; she no longer loves you. My husband is forsaking me [217] for her; he no longer loves me. This is a challenge to you as well as to me. If you are a man (1), pick up the challenge."

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1. They live near the mouth of the Salonga (in the villages of Bonsela, Pomputɛ, Nkɔse, Bombomba, Isakɛ, etc.)

1. "Man" in the sense of vir (jwende); the meaning is: "If you have any courage, show that you are not a coward."

583x 184 152 According to the native view, a man must take this woman home for the sake of his honor. If he did not do so, he would become the butt of malicious comments and scorn on the part of all, both men and women. He would be considered a coward, just as in European "cultured" society a man is considered a coward if he does not pick up the glove thrown down by his adversary.

The rejected woman's hatred for her husband is transformed into a love for the man who has been similarly hurt by her rival. The joint misfortune of the pair creates a mutual feeling of affection. The woman is accepted as wife and is thus saved from dishonor. The man, on his part, feels affection for the woman who offers him her heart and preserves his good name. Harmony is at last established among all four of them, the two men arrange the matter of bride price in the way we have described, and then they live in peace without any enmity toward one another.

589x 581 184 This way of handling the situation is very strange to us, because it is indefensible from the point of view of a sound philosophy and of Catholic morality. But it seems normal to the natives. The pagan conscience has no trouble coming to terms with it, since no pagan law explicitly prohibits such behavior. Everyone comes to an agreement in the end, and that is all their conscience requires. Everything considered, there is no infraction of the rights of any individual, and since the native mentality is not concerned with morality as we conceive of it, this solution seems altogether natural to them.

Nevertheless, the ethnic groups who do not practice this true exchange in no way approve of it. Not that they fail to understand the psychology underlying this practice; on the contrary, if the situation arises they accept it. But they condemn [218] the legal procedure. They require that the two marriages be broken in the regular fashion and that two new marriages be contracted. That is, they demand the restitution and payment of the bride prices through the ndonga and through the respective parents of the women. For them therefore an exchange is not a true marriage, but a sort of sale and purchase. Also, from their point of view, the women who have been exchanged are slaves and not wives, because they live with their

583 men although their first marriage has not been broken and no new
581 marriage agreement has been concluded.

184 The data given above provides no confirmation in the
[114] Nkundɔ tribes under study of the statement made by Engels "Les Wangata [The Wangata]," *Revue congolaise*, 1910, p. 35) that among the Wangata "her husband can exchange her . . . . she can make no protest." (1)

1. The Ekonda apply the term *lienjɛ* only to an exchange of daughters or sisters. They have a specific term: *mpɛngɔ*. Note, by the way, that certain Mbɔlɛ tribes who practice a true wife exchange designate it by the same name: *impɛngɔ*.

Article VII. Purchase

432 The purchase of women is not practiced by the Nkundɔ tribes
562 under discussion here nor even by the Bombwanja. The practice is to
588 be found only among the Elingɛ. What is involved is not a marriage by means of a bride price but a real purchase; that is, a man buys a woman from her husband for a certain sum. He does not go through the woman's parents, as in an ordinary marriage by bride-price payment, but addresses himself directly to the husband.

In general it is the woman who makes the proposal that a man buy her in this manner. Sometimes a man wants to take a woman and
[721] first comes to an agreement with her. Before the Europeans arrived such a situation generally led to a war between clans or villages. After an armistice the palaver was settled, and the [219] purchaser paid the husband. Nowadays, since the Nkundɔ no longer dare to
[177] fight because of the legal sanctions that inevitably follow, when a woman abandons her husband for another man who wants to buy her, the parties involved bring the palaver before the judges. As the woman wants only her new husband, and as, on the other hand, war and the punishment of women have been abolished, the first husband has no

586* alternative but to yield and settle the amount to be paid. (1)

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> 1. This is the situation that has prevailed up to the present. The native tribunals have been given the power to punish the offenders and they are therefore obliged to decree the punishments designated. In my opinion, if the legitimate husband brings complaint, the court should decide in his favor, not only because the purchase of a woman is involved but also because there is a question of polyandry, since the marriage has not been dissolved.

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583 The amount that the purchaser must pay the husband corresponds to the amount of the bride price. But since the valuables do not pass through the hands of the woman's family, the first marriage has not been dissolved. Thus the word used is not *jɛ̌ngɛ́* but *lisɔ́mbɛ́* (from the verb *-sɔ́mba*, "to buy"), a term applicable to any purchase. The Nkundó also say *básɔ́mbana endɛ́ la njɛ́ngi*, "he makes a purchase from the husband" (literally, "from the payer of the bride price"). Instead of valuables equivalent to the bride price, the purchaser may give the husband a live woman to replace the woman purchased.

It is a common practice for the husband, in that case, to demand a second woman as well, who is a wife or relative of the purchaser, as an *ebísa* to the first. She does not have to be a real *ebísa*, that is, a relative of the first woman. She is an *ebísa* only in a very inaccurate sense. She bears a special name, *inukambɛ́nga*, "gatherer of pepper," to indicate her role as a helper serving the woman who has been handed over in payment or acquired by means of the purchase price.

Finally, the purchaser (*bosɔ́mbi*) must establish the bonds of alliance between himself and his new parents-in-law. For that purpose he makes a payment of valuables to them in addition to the original pride price. Although in practice [220] this payment

432 constitutes a bride price, it does not bear that name because its legal
562 significance is not the same. The specific name for this particular
583x payment is isongyambóka, from -songya, "to add something new" and mbóka, "path." Thus the new husband adds a new alliance. The verb songa or songya is also used under other circumstances: for a new tile or leaf that is added on to a damaged spot on a roof, for a patch on a piece of clothing, or for something that has been newly introduced. The term therefore seems to indicate that what is involved is not a new marriage but rather a modification grafted on to the old one. Furthermore, the term is often used pejoratively. One may thus suppose that this custom is not very ancient, but of course the evidence is not sufficient.

589x It is apparent from the above that the purchase of a woman is
432 a difficult and expensive operation. A kind of second bride price (isongyambóka) and a second wife (inukambénga) cost quite a fortune. In the past the purchaser also had to pay indemnities to the families of men killed in combat (he might have had to pay as much as 100 rings, for the price of one "corpse" was 15 to 20 bakonga, the monetary value
[626] of a man) (1). One gets the impression that, though for reasons unknown to us the tribes in question permitted the exchange of women in their laws and customs, they did so unwillingly, and that the persons in authority increased the difficulties, so to speak, in order to frighten the amateurs and to reduce the number of cases to an inescapable minimum.

One might wonder why men do not hesitate in the face of such great financial difficulties. Psychologically, it seems entirely plausible that a man who is in love with another's wife and has the necessary wealth would in his passion throw himself into such an adventure. Probably that is how the practice originated. But this likelihood does not explain the existence of a purchase, since the breaking of the first marriage and the committment to a new one could just as well be

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[727] 1. Five dead were an enormous number in this sort of "war."

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583x carried out by the ordinary means of the payment and restitution of a bride price.

At the present time cases of purchase are becoming increasingly
432 rare. This change is probably due to a wider distribution of wealth
589x which has produced a second change, namely that the man makes the
626 initial proposal rather than the woman, who did so according to the ancient custom.

The woman's invitation is public. The man must reply for the sake of his honor. As in the case of an exchange among the Boóyɛ, he can only escape mockery by following through. If he did not, he would be considered a coward. He would be treated as a pariah; his wife (wives) would leave him, and he would no longer be included in the company of his fellows or at their meals.

Although strictly speaking the matter is outside the limits of this study, it seems to me that it is not irrelevant to mention, for the sake of comparison, that wife purchase is also practiced among the Ntómbɛ (Wangatɛ, Ikengo) and the Bolɛ́ngɛ́ (or Bofíji) between the Congo and the Boloko. They call it by the same name -- isómba, "purchase," and the man who buys in bosómbi, "purchaser." The woman always invites the man by sending him a piece of the ribs of a banana leaf, called a bonengɛ. She does this publicly; she hands the bonengɛ to a relative or friend and says to him out loud and in front of everyone, "Take this bonengɛ to so-and-so for me, so that he will come and buy me."

The same custom still exists in certain Ekonda settlements
[184] under the jurisdiction of the Bikoro station, such as the Lonyanyanga, Bosango, Balíngo, Babonja, etc., but not in the others, which are within the territory of the Kiri (Buli) station. It is called ehómbaka or esómbaka (the root and [222] the meaning are the same as those of lisómbɛ and isómba). Since these peoples are neighbors of the above-mentioned Ntómbɛ and of other Ntómbɛ living near the lake which bears their name (in a distorted form) and since, on the other hand, the rest of the Ekonda do not know this custom, we may assume that it was introduced to them by their neighbors to the north and to the west.

432 If we examine the data on the geographical distribution of
583x this custom in relation to the ethnic nature of the practicing tribes,
174 we are led to assume that it is not of Nkundó origin. The tribes that do not practice it do not approve of it among their neighbors; rather they hold them in contempt because of it, since for them a purchased woman is a slave. Thus they make fun of them saying, "They sell their women like slaves or goats." Could this be evidence that the Ntómbá-Boléngé are not pure Nkundó, or that they have been subjected to foreign influences? Would the same be true of the riverain tribes who practice the purchase of women?

Article VIII. General Conclusions

581 Having analyzed in detail the various forms of marriage and pseudo-marital unions among the Nkundó, we must now make a synthesis.

Certain kinds of unions are considered legitimate marriages by the Nkundó although they differ to some degree from the standard marriage because they are adapted to special circumstances. Among these are a widow's marriage with the heir of the deceased and a marriage by replacement after a divorce. As for ourselves, we can go along with native opinion, for when these unions are concluded in the normal fashion they involve nothing which is contrary to our conception of a valid marriage. (1)

1. This is true of a replacement after divorce only when the dissolution of the previous marriage is legitimate and valid in every respect.

Other types of union, on the other hand, are not considered by the Nkundó [223] to correspond, or only very imperfectly, to their idea of a regular marriage. The union of a widow with a distant relative of the deceased is only a sort of legitimate concubinage. The offer of a wife as security, the exchange or purchase of women, are considered as absolutely inferior forms of union. Therefore it is better to designate these by the term "pseudo-marital unions." For although they are accepted as legitimate by the tribes among

58/ which they are practiced, they seem to be tolerated rather than approved.

Thus there is room for action on the part of the native courts against these very inferior forms of union, and in fact such action is favored in the text of the *Recueil à l'usage des Donctionnaires et des Agents du service territorial du Congo belge* [A Collection for the Use of Officials and Agents of the Territorial Service of the Belgian Congo], (1930 edition, p. 375).

In the lines we shall devote to an examination of the nature of Nkundó marriage, we may therefore clearly exclude these pseudo-marital unions.

Article IX. The Nature of Nkundó Marriage

Having come to this point in our study, we must make a synthesis of the principal conclusions provided by our analysis thus far and try to deduce from it an idea of the essence of Nkundó marriage.

In Bantu ethnology marriage is defined more or less as "a bond between two persons of opposite sex which creates a particular social status and economic position for the spouses and gives legitimacy to their progeny." (1) This definition is quite different from the philosophical one, which is narrower in requiring a firm contract between man and wife for a mutual handing over of exclusive rights over the body in relation to the acts of procreation.

In what respects does Nkundó marriage conform to or [224] disagree with these definitions? Or rather, what definition should we

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1. See *Recommandations pour l'étude de la famille* [Recommendations for the Study of the Family], published by l'Institut international pour l'étude des langues et civilisations africaines [The International Institute for the Study of African Languages and Cultures].

581 give of Nkundó marriage, and what is its legal nature? First let us briefly recall certain facts essential to the problem by adding some observations which will appear in the pages to follow but which are indispensable here if we are to obtain a picture of the whole. Then we will try to deduce the legal basis of Nkundó marriage.

According to Nkundó law, the indispensable conditions necessary for a legitimate marriage are the following:

1) The payment of a bride price.
2) One or more qualified witnesses who act as intermediaries in this payment.

The stability of the marriage is weakened by the recognition of divorce, which is inevitable in a society like this one. But everything is done to limit its frequency -- the payment of bride price and dowry, opposition on the part of family authorities, etc. (1)

1. See Chapter VIII, Articles I and II.

The extent to which the spouses have exclusive rights to each other's bodies will be examined in Chapter VI. Let us say only that adultery is not considered lawful, although the Nkundó conception of it is quite different from our own that they permit some departures from the principle of fidelity and tolerate certain forms of license.

581/584 A very important question for our purpose is that of consent. But it is very difficult to examine because the natives relegate it to a place of secondary importance, while they stress the factor of the bride price. This should not surprise us because the material and palpable nature of the latter holds their attention more readily. (2)

2. This same observation may be made about impious Europeans with respect to legal questions and other matters.

Note first of all that for the Nkundó [225], a lack of consent never casts doubt on the validity of a marriage. One finds many women who refuse the husband for whom they are intended as replacements by invoking the fact that the bride price was not paid for them,

581 that is, that they did not consider themselves the contracting parties.
584 But to my knowledge, their opposition is not considered to invalidate the marriage. I say "to my knowledge" because there is much confusion in the native mind on this question, and it is possible that later discoveries will show that the Nkundó attach a greater importance to consent than we perceive at the moment. As a matter of fact, the inclusion of a ceremony expressing consent in a normal marriage is an indication in that direction.

Let us now examine our data on the value of consent and its expression.

Except in an unusual case, which we are justified in leaving out of consideration in this synthesis since it does not influence our conclusions, there is always consent by the spouses in a standard marriage. Such a consent is first attained in private and then revealed to the parents, who give their approval. At the time of the first bride-price payment, the fiancée expresses her consent by a public and official act, while the husband shows his in accompanying his father in all the proceedings and in taking his intended to his home. In the eyes of the Nkundó that is entirely sufficient.

Another question arises in this connection. The consent of the couple is expressed at the time the *ikulá* is paid. And the real payment of the bride price occurs only later, without a renewal of consent. Can the expression of consent at the beginning, at the time of engagement, be considered sufficient, since it is virtually continuous? In my opinion there is no reason why it should not be.

In the case of a marriage by inheritance, the usual formalities
581 of the expression of consent are omitted, because [226] no new bride
584 price is paid. Nevertheless, we note that the heir must go and fetch
587 the widow from her family and make a special payment. The Nkundó explain this action as a mark of respect toward the widow's family, but we may interpret it as an expression, adapted to the particular situation, of the new husband's wish to marry this woman. The woman's willingness to accompany the heir is really a manifestation of her consent to the union. This interpretation is confirmed by the legal requirement that another *bekooli* payment be made by each of the

581 deceased's relatives who wishes to marry the widow, while the bride
584 price contract remains unchanged. This payment, unlike the bride-
587 price agreement, does not come from the family; it is clearly a personal act of the man who wants to take the widow for his wife.

In the case of a replacement after divorce, the external expression of consent is more vague, since it is limited to the husband's overture's to his father-in-law on the one hand, and the fact that the woman goes with the husband, on the other. The same must be said of the inheritance of a *bosóló* (Chapter III, Article III). It would be contrary to reality, however, to conclude that because the form of the woman's consent is less prominent, such consent does not exist; with respect to these questions, their attitude is entirely different from ours. To be a replacement is considered a duty and accepted as such. Psychologically, the acceptance of this duty often involves consent; it does not exclude the presence of the will any more than the duty to submit to holy commandments, and to religious and civil laws. Even reverent fear, the fear of punishments, etc., does not prevent a free exercise of the will, although they do diminish it. Nevertheless, there are cases where fear or constraint can be so great as to remove freedom completely. [227]

581 With respect to unions before maturity (Chapter IV), the
584 question is even more difficult. Only the engagement is made in early childhood. The husband's consent is expressed in a manner which is entirely adequate. Since the union does not move from a tentative stage to a final one before the girl approaches puberty, she may be considered capable of giving her consent sufficiently to make a valid marriage, and she gives this consent in going to the home of her husband. Nevertheless, if we compare this expression of consent with those we have observed in the other types of union, it seems very much attentuated and greatly inferior to them.

We may therefore assume that in a general way and under ordinary circumstances freedom is safe and consent is expressed in an adequate fashion.

581 Having recapitulated these facts, let us try to define the legal nature of Nkundó marriage. In ecclesiastic law and in European civil law, a marriage is effected through the official exchange of

581 mutual consent. For the Nkundó a marriage is effected through the official payment of a bride price, and to this payment is added the consent of the spouses, which is manifested more or less clearly depending on the type of union but which we have recognized as sufficient.

The bride-price and dowry payments comprise a contract between the families of the couple. This agreement between the families is considered by the Nkundó to constitute a marriage. For them the consent of the couple is secondary -- an attitude which is quite natural, considering the limitations of their analysis, as we have already seen. In European civil law, in addition to the legitimate exchange of consent which constitutes the marital union, there exists an explicit or tacit marriage agreement or contract by which financial questions are settled; it is only secondary to the marriage. The attitude expressed by this law is thus the very opposite of that taken by the Nkundó. [228]

Nevertheless, although our natives consider consent as altogether secondary in constituting a marriage, we can examine this question thoroughly and make a legal analysis of it; however, we must base our conclusions solely on facts observed.

The manifestation of the spouses' consent to a marriage is essentially a real contract from the legal standpoint and may be termed a conjugal pact: they express their desire to be united in marriage and do so in the manner prescribed by law. The fact that the Nkundó attribute a secondary importance to this contract does not destroy its reality.

Therefore, whatever the relative importance attached to them by the Nkundó, we can say with certainty that their marital union includes in reality two components: the bride-price agreement and the conjugal pact or expression of consent.

In ethical natural law marriage is a contract between the spouses: their consent is what constitutes the marriage. For the Nkundó, on the contrary -- at least according to their statements, explanations, etc. -- a man and woman become husband and wife through the payment of a certain portion of the bride price. If they

58| made a thorough analysis of the question, they would find a categorical opposition between their system and the philosophical and legal nature of marriage. But a pact of consent does in fact exist -- though to our people it is secondary -- and it constitutes an integral element in the complex of acts and ceremonies which comprise their marriage agreement. Therefore their marriage conforms to the philosophical definition.

How should we picture the relationship between the conjugal pact and the bride-price agreement? I think that if we go to the legal basis of the matter, we can make the following statement: Nkundó spouses give their [229] consent to a union such as they conceive of it; they want to become husband and wife according to the practices which are prevalent in their community and the rules prescribed by their law. They express their willingness to conform to these rules and practices. In a marriage by nkumbó, the union is first tentative (the engagement) and then, after the payment of the walo, final. It is as if the spouses-to-be said, "We want to be husband and wife, and we will actually become husband and wife as soon as our respective families carry out the essential portion of the bride-price agreement." This agreement is a kind of necessary condition for the marriage contract but, in their limited analysis, the Nkundó explain it as the sole element constituting the marriage. From the legal standpoint the ultimate consent of the engaged pair depends on the subsequent fulfillment of the bride-price agreement. The situation is basically the same with respect to premature unions. For other forms of marriage we can adopt an identical interpretation, mutatis mutandis. Thus in the case of inheritance the heir and the widow add their consent to the pre-existing and continuing bride-price agreement. And the case of a replacement does not differ from the preceding instances.

It is possible to raise the objection that the Nkundó do not consider inheritance and replacement as new marriages, but rather as continuations of a union which persists in spite of a change in the spouses as individuals. The answer to that objection is implicit in the principles stated above. For, because of the obvious inadequacy of their analysis, they do not perceive the existence of a contract of

581 consent; they do not distinguish between this conjugal pact which changes and the bride-price agreement which alone persists. And since for them the bride-price agreement is essential, while the conjugal pact is secondary, they pay attention only to the former. Thus we can legitimately interpret their statements on the nature of unions by inheritance and by replacement [230] as referring to the bride-price contract. Thus the fact that each relative of the deceased who wishes to marry the widow must make an individual payment (bekooli), while the clan contract continues unchanged demonstrates the effective reality of the distinction between the familial bride-price agreement and the individual conjugal pact.

To summarize all these considerations: we think that we are justified in giving the following definition: Nkundó marriage is a conjugal contract between a man and a woman which is firm in itself and is linked to a bride-price agreement of prescribed nature and formalities between their families.

Therefore we can conclude that the essential nature of Nkundó marriage conforms to the definition of that institution in general as given in ethics and that it fulfills all the necessary conditions. (1)

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1. I am very grateful to Attorney General A. Sohier for having, in a very specific way, drawn my attention to the legal aspect of this question and having thus suggested that I make a thorough investigation of it.

[231] Chapter IV. The Age of the Bride and Groom

582 The Nkundó may marry at any age. Their law contains no stipulation on the subject. Nevertheless, it was customary in the past for a girl to be married very young, while the boys could not take a wife until they had reached a really advanced age. Nowadays the time of marriage for the ever increasing number of girls and for the boys has been pushed forward almost universally. Let us examine the situation in detail, distinguishing between the sexes.

Article I. Girls

584 According to Nkundó custom it is acceptable for an expected child, not yet born or still very young, to be promised in marriage to X or Y. This practice was formerly very common and is still quite prevalent today. It is called banda bǒna or bǒmoto, literally, "to count a child" or "to count a woman." The ikulá is paid at the time of the promise. Later the matter is carried out in the usual fashion; the other parts of the bride price are paid either while the fiancée is young or, preferably, at the time when she goes to her husband.

584 855 Until that time, if one of the girl's relatives is already a wife of a polygamist husband-to-be or of one of his relatives, the child is brought up in her husband's family from a fairly early age, depending on the circumstances. She lives with her relative. She may be barely seven or eight years old, for example. If no one in her husband's clan can take care of her, [232] she spends only one or two weeks there to become acquainted, little by little, with people and places; she repeats the visit from time to time. Her mother accompanies her, for being so young she could not get used to being there alone, without support, without her parents. Therefore it is necessary to wait till she is old enough to be somewhat independent and able to manage by herself. That time usually comes around the [145] beginning of puberty, thus sometime between the ages of twelve and fifteen.

584 833 Like an adult woman, she is already called bompáka or wǎli, depending on the portion of the bride price that has been paid. She has all the duties and privileges of a wife: sexual relations, food preparation, care of the household, etc. There is no set date or age for the beginning of cohabitation. This matter is settled between the husband and his parents-in-law. The latter do not have the right to [606] delay the time, even if their daughter is still too young, but they can make use of their great influence over their son-in-law. The modern [178] generation is not shocked by sexual relations between an adulterer [sic] [571] and a girl who has not reached puberty. Besides, all is in order from the legal standpoint; since the man has paid the bride price, he is the

584 833 legitimate husband and is entitled to his wife. Everything depends on his personal attitude, his passion, or his respect for the body of his young wife. If he is reasonable he will be very careful during his relations with her or will abstain altogether, so as not to "damage" her body. But from the legal standpoint he may do as he chooses. Thus there are adults who have regular relations -- one way or another -- with a wife whose breasts are not in the least developed. In such cases marital relations take place before nubility. (1) The consequences with respect to the birth rate may easily be guessed. [233] It may also happen that the husband himself has not reached puberty. This fact presents no obstacle to cohabitation. As soon as he feels that he is a man, he builds his hut and the couple live there together. In all these cases the girl often goes to her parents' home, and sometimes her visits extend for weeks during which she does not see her husband.

Formerly things did not work out in this fashion. The young wife often refused to participate in the sexual act, especially if the husband was considerably older than she. Her reaction was due to her natural modesty and timidity, together with her education. A polygamous husband usually respected her feelings, till she gradually came around. When her normal physiological development was completed and her love reached a sufficient intensity, she would begin to follow her instincts. In the light of what was said in Chapter I, Part 2, Article IV, 2, A, we may readily accept our informants' statements on this score; the situation seems altogether natural.

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[882] 1. Note that the immature girl is not called filingo in Nkundó, as Engels ("Les Wangata," Revue congolaise, 1910, p. 36) maintains. This word is but the Nkundó transformation of the word virgo. There is no specific term for "prepubescent." A girl who is not yet a woman but is no longer a child is called itembeleke.

584 572 When an engagement is arranged for an expected child, the events may betray the hopes of the parents; and the child for whom the ikulɛ has been paid may turn out to be a boy. This mischance is dealt with in the following manner: either the suitor waits for the birth of a girl, or an alliance of friendship and mutual assistance (boseka, see Chapter I, Part 1, Article III) is established between him and the newborn child. Such an alliance is called liɛla jǎ jwende, "the marriage of men," (matrimonium viri). In no case is restitution made for the ikulɛ that has been paid. If the friendship between the two men remains unbroken later, it results in the marriage of the daughter of the man for whom the ikulɛ was paid before his birth, to the man who paid it or to his son or grandson. No new ikulɛ is paid for such a marriage; the payment of the bride price simply has to be completed in the usual fashion.

584 A man may acquire a young child for himself, or for a son, a younger brother, etc. In the past the former was more frequently the case, for the old men kept the women for themselves and wanted [234] to benefit from having them before leaving them to the youths as inheritance. But the latter situation also arose.

The purpose [of obtaining a young child as wife for a relative] was to prevent inexperienced youths who were not able to defend themselves from being deprived of the means of obtaining a wife should the father die prematurely and the heirs monopolize the harem and bride-price valuables to their own profit, which theoretically they have a right to do. This practice is thus a means of favoring a son or other relative by furnishing him with a wife earlier than is customary. Nowadays this is even a stronger reason [178] than in the past, because boys marry earlier than formerly.

Other reasons for obtaining a child as a wife are involved in the two above-mentioned instances. There is a greater certainty of getting one's money's worth; valuables can disappear for various reasons during long unproductive years.

584 855 But the most fundamental reason, in my opinion, is the one very often invoked by the Nkundó, namely the opportunity of personally attending to the future wife's education. There is no

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855 question but that it is in the husband's interest to take care of it himself. He can accustom her from childhood on to special circumstances, to the laws of the clan, to the particular habits (virtues, faults, way of living, etc.) of his family, his wives, and, last but not least, himself. He can mold her according to his tastes and desires. Enormous advantages result from his success in doing so. This does not mean that he takes care of her personally, for he knows he is not a born educator. He therefore usually prefers to hand this [593] task over to his mother (or aunt or sister), who enjoys this obligation and likes to help her son and to participate directly and intimately in his household.

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572 A childhood engagement between their respective offspring often results from an alliance between "friends." If the children later on do not want the marriage, that is all there is to it. Restitution of payments is made, or a substitution is arranged. Such a situation arose while this book was being written. [235] At least twenty years ago, Lokóta of Bolíngo and Insílo of Bonjoku made a bond of friendship (boseka). The former begot a boy (Ituwó), the latter a girl (Lokoku). The parents arranged the engagement of their children by means of the ikulá payment. When Ituwó grew old enough to marry, he had no desire to marry Lokoku, for his heart was taken by another. But he had a younger brother, Itoko, who had affectionate feelings for Lokoku. Ituwó explained the situation to his mother (since his father had died in the interim), and she resumed the relationship with Insílo. They all came to an agreement without difficulty. Itokó therefore married Lokokú in place of his elder brother, after paying the bride price for her.

584 If a little girl is not satisfied with the union that has been arranged she is free, according to the rules of law, to break it -- and not simply by failing to give her consent. Note that in such a case the husband is not entitled to any compensation for having raised this child.

In spite of the advantages involved in childhood unions, they should be rigorously held in check, since the affections often stray from bonds formed at such an early age. More should be done to

584 safeguard freedom, and the impression should not be given that childhood unions are encouraged -- as it sometimes is -- by the exemption of immature wives of polygamists from a supplementary tax.

There is no law requiring an elder sister to be married before a younger one, but such is the common practice. Exceptions are made only under certain circumstances, and particularly if the younger girl finds a suitor earlier than the older one, a reason which includes and sums up all the others (such as disadvantageous physical and psychological tendencies of the older sister).

This practice of marrying daughters off before maturity is
178 beginning to change because of the increase in freedom which has
584 been introduced by colonization. Nevertheless, as this change is not especially advantageous [236] its manifestations are still very slight. The Christian education of parents must of necessity delay the time of the daughter's marriage and will do so ipso facto as soon as Christian influence becomes sufficiently strong in the region.

Article II. Boys

Except in the rare instances of an engagement of two young
582 children, it was formerly the common and normal practice for men to remain bachelors for many years after puberty. The old men tended first to their own wants, and the youths had to wait their turn, like their elders. This was considered entirely natural. Later on they could establish a home and "profit" from life. Meanwhile they found a little compensation with the wives of certain relatives or of others, if the opportunity arose.

To explain this state of affairs we can invoke the political
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561 organization of Nkundó society, which is based on age. It is therefore natural that those possessing authority should have its external
[556] signs, and one of the foremost of these is the wealth manifested in
the possession of wives. But, as we will point out later, the present situation greatly weakens this explanation.

It is more natural to consider the delay in the marriage of
582 young men a logical consequence of the marriage of girls at an
585 early age. Suppose that a boy is fifteen years old while his sister,

582 whose bride price will fall to him, is only three. At that age, she
583 is married. The children's father is in a hurry to use the capital he has received, small as it is, rather than to let it lie unproductive and run the risk of losing it one day for some reason or other. Therefore, he uses it to obtain a wife, often a child, for himself or his brother. Thus the boy is deprived of the means which would enable him to establish a home when he attains adulthood. He will have to wait till he can acquire new wealth, either through his own work, or thanks to the assistance of [237] various relatives, or through the death of his father or his uncles, or -- frequently -- from the bride price of a daughter to be born to his sister's nkita. In the last instance, which formerly occurred very often, he was obviously forced to wait many years. Thus in the example cited in Chapter II, Article X, had the events occurred a few decades earlier, Bakutu would have had to wait for the bride price of his cousin Wǎngi, who was a good twenty-five years younger than he. If he had then been given the first part of the bride price, he would probably still have had to wait over ten years before becoming a husband in the full sense of the word, because the ikulɛ would have been used for an engagement with a very young child. More probably he would have been considered too young; the bride price would have been used for the benefit of another, and he would have had to wait another indeterminate number of years. Once the practice of marrying girls when they are small children is accepted, there is no other way out; everything is linked, and the result is inevitable, given the mentality of this society.

582 The elders' power to act in this way to their own advantage
428 stems from the collective nature of the people's inheritance system
585 (Chapter II, Article X and XI, 3, B). A bride price goes to the family; the right of the individual members is not personal or exclusive but is derived from their position in the hierarchy within the group.

Nevertheless, the fact that a man may claim priority to the bride price of his uterine sister over a brother born of a different mother seems to indicate that he originally held the chief rights to these valuables. The exercise of this right is postponed, and the concomitant transfers result.

582 We have spoken of the unproductivity of the bride price.
583 This is a Nkundó notion, and it is accurate only because the old
men want to satisfy themselves before their sons. Actually, they
could very easily reconcile their desire that the bride price should
be productive with the aspirations of the youths, at least in many
instances. All they would need to do would be to use the valuables
they have received for their sons' benefit by acquiring girls of the
same age for them. The productivity of the valuables would not
diminish [238] in the least, of course, since the goods would remain
in the family. On the contrary, it would be increased because a
[842] greater number of progeny would probably be born. But our natives
knowledge of physiology does not seem to be sufficiently developed
[181] for them to come to this conclusion. And even more probably their
egoism has greatly clouded their intelligence and silenced the voice
of good sense and fatherly love to make it possible for them to
multiply the number of their wives and thus increase the easy satis-
faction of their sensuality, augment their wealth, and reinforce their
social position. It will be their sons' turn after their death.

561 This situation is aggravated by the fact that, except for the
428 bosálo, the brothers, not the sons, of the deceased inherited the
595 widows, who thus remained in the hands of the old men.

582 Because of their attitudes the old men monopolized most of
the women. They established large harems for themselves, so that
it was very difficult for the young men to find a woman to marry;
they had to consider themselves lucky if their father provided them
with a child.

Thus it was unheard of that a young man between twenty and
582 thirty years old should marry, except for a few instances where a
178 man acquired a child who was to become his wife after a number of
years. Men were usually forty years old or older before they married.

Nowadays the situation has changed entirely; the attitude of the
old men favors the young much more and has become almost normal.
The great majority of fathers, if they have the means, procure a wife
for their sons as soon as the latter are old enough to express a desire
for one. This improvement is due to the fact that it has become

582 much easier to get married. A great number of young men who
178 would still be bachelors had they lived under the old regime now have wives. The young people leave home to go and work for the Whites, and the parents feel sorry for their sons and do not want to see them leave without a wife [239] to take care of them and prepare their food. This feeling has dealt the old custom a severe blow. And even for the young men who stay at home, it is no longer so difficult to obtain a wife. Paternal love has here triumphed over egoism.

Furthermore, the elders have been forced to take a more humanitarian attitude because, since the European occupation has given the young women a new freedom, they have abandoned their husbands and fled to the centers where, under the protection of the Whites, they have joined lovers who are as young as they. Therefore, it was much more intelligent to obtain a wife for their sons in an honest fashion rather than to expose themselves to loud palavers by the abandoned husband.

From all the preceding description it is clear that the man was considerably older than his wife. But because of the inheritance of widows it also happened -- and still happens -- that a man acquired wives who were older than he. When young men marry at the present time, many wives are definitely younger than their husbands; many adolescents have received prepubescent little girls for wives.

As a general rule a Nkundö woman does not like her husband to be much older than she, and she likes it even less if he is younger. Nowadays unions between persons of the same age increase continually. This increase is due more to the remarriage of divorcées, who prefer husbands of their own generation to the old men who first paid for them, than to first marriages between equals. The influence of Christian couples is called upon to play a great educational role in normalizing the situation of the girls.

The boys must marry in turn, according to age, because of
561/ the seniority rule which regulates social relations. That is the rule,
582 but it may be mitigated by the application of another rule, namely the one pertaining to the direct or indirect rights to a sister's bride

582 561 price. The rights of a polygamist's sons over their sisters' bride prices are not absolutely equal [240]. One of them can oppose the decision that one of his brothers, born of a different mother not related to his, should benefit from the bride price paid for his uterine sister. His right will incontestably prevail. But if he has other sisters, it is his duty out of brotherly love to help his less fortunate brother. If both of them have uterine sisters, there may be an exchange of bride-price rights which will hurt no one. Finally, if only the younger brother has a sister, his right to her bride price is precisely defined and personal, and it may therefore happen that he marries before his elder brother. But unless the mother is absolutely opposed to any such arrangement, an attempt is usually made to settle the matter in a friendly fashion by assigning the future bride price of a niece or cousin to the younger brother. The rules as we have explained them hold absolutely only for the present time. They also existed in the past, but the delay in the sons' marriages, as described above, resulted in a transferring of rights which could completely upset this order. Since, in practice, many men began their married lives after the death of their fathers or uncles, thus with inherited wives, the elder brothers benefited from the rules before the younger ones did. (1)

1. See also Chapter II, Article X.

593 578 x Lastly, the eldest son may be deprived of his rights for certain reasons, such as a serious failure in his duties of respect and submission to his father. To punish him his father may curse him publicly, declare that he has lost his position as eldest son, and forbid him to acquire a wife. This practice is no longer common today; it would have little effect, for the young man would go and seek his fortune elsewhere. But history has left us some examples like that of Ikété ya Lonkinja, the first-born son of Ikété Elongama éâ Longómbá, the ancestor of the Bombénga wǐ Bokenda family (Besombo).

Chapter V. Obstacles to Marriage

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There is no specific term in Lonkundo for an "obstacle to marriage." General terms are used, as in our European languages.

Our people make no distinction between obstacles which nullify a marriage and those which are prohibitive in nature. Therefore, we will simply speak of obstacles without making any distinctions among them.

Article I. "Race"

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The question of a diversity of races can be considered only with reference to the Batswá. Marriages with them are strictly forbidden. Nkundó rules of behavior are very strict with respect to relations between Baotó and Batswá. It is unheard of that opposite sexes of the two races should mingle, even for a simple conversation. There would then obviously be no question of marriage.

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Among the Bilángi, a Batswá tribe of the Injóló of the Salonga-Luilaka (who absolutely refuse to be called Batswá or Balómbe), there have been two cases of such unions to my knowledge. Two Baotó women were involved, both, by a singular coincidence, from Lotángonda (Injóló, Engónjó). One was Njalí, daughter of Yole and sister of Lomélé, the other Nsombola, sister of Limpema.

Njalí was taken in marriage by Bakao of Ikindatói. She wanted children desperately and, not having had any by her two successive Nkundó husbands, she ran away to the Bilángi in hopes of having better luck there. [242] She was not disappointed in her expectations. She gave birth to four sons: the eldest, Bonkono, who died some years ago; Bakao (Georges), who died in 1933; two sons, Bonkoní (Louis) and Joke (Henri), who are still alive. In 1933 the descent of the four numbered thirteen sons, six daughters, four grandsons, and one granddaughter. But there was never a legitimate marriage between Bakao and Njalí since no bride price was paid. And the descent have formed a small Bilángi clan, which is dependent on the grandmother's clan (Ilongó of Lotángonda).

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The second case is somewhat more recent. It occurred at the beginning of the European penetration of the area. During the general upheaval at that time, the natives of Bosɛ́ka village (Bilɔ́ngi of Lingonja) took advantage of the absence of many adult men whom the soldiers had taken on an expedition against the Mbole. They were able to capture a woman named Nsombola and take her home with them. She loved one of the men of Bosɛ́ka, and after many years, he "purchased" her for the price of two slaves. She lived there happily until quite recently, when she was overcome with a desire to return to her own race. (She leaves no descendants.)

In this second instance, then, the Nkundɔ́ bowed to the woman's wishes and, in accepting a bride price for Nsombola, gave in to the inevitable. This example shows that they can be flexible in their customary requirements if the situation warrants it.

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Nevertheless, there have been no admirers or imitators of these exceptional cases, and the opposition against unions between the two races remains firm. Mixtures are not desired. The position which the hybrid family of Bakao occupies in the village of Lotɔ́ngonda is highly significant. For it is an exception to the rule applicable to such cases, namely, that a child who has no legitimate father is incorporated into his mother's clan. The descendants of Bakao and Njalɛ́ are dependents of Lotɔ́ngonda and are a part of it politically, but [243] they are not included in the kin group. For they have inherited a Bilɔ́ngi nature from their father, and therefore, contrary to the logic usually applied, they have not become relatives of their ancestress. Here, too, the "racial principle" has prevailed against common law.

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Nor does one hear of temporary relationships or concubinage between them. I know only of one instance; its outcome was not happy, and it did not invite imitators. It happened around 1913. A certain polygamist, Lokɔ́ta of Boleke (Bombwanja) fell in love with the wife of Bonkíngɔ́, who at the present time is headman of Bosɔ́ola (Batswá of Ntɔ́mbá, Bombwanja). He became the laughing stock of the entire region, but because of his love, it did not deter him. In his own household, however, the situation was more serious. One of his wives (Ámbɔ́nsela) soon left him. The others refused him their bodies

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588 and prepared for divorce. Consequently, Lokóta was obliged to give
[595] up his unreasonable love, and in the end everything was set to rights. (1)

1. No children were born as a result of that relationship.

Instances of mixing have occurred because of colonization, outside the usual environment, between Batswá and members of tribes which are not acquainted with this race. At the Bokúma Mission there lives a Botswa woman of the Ekonda who was taken away by foreign soldiers and had two children by a Mbole man. These children are held in contempt by both the Baoto and the Batswá in the vicinity, and they will only be able to marry if they settle in their mother's clan. . . .

In the veterans' village of Ingende there lives a Botswa of Boûlama (Bombwanja) who married an Urundi woman while he was a soldier in the war. She probably did not know her husband's race. They came to this region, and the marriage has proved to be excellent, and the wife has always remained deeply attached to her husband. Their five children are not treated with the slightest contempt. Their situation would undoubtedly [244] be different if they lived in truly native surroundings, where they would certainly be incorporated into the Batswá.

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598 The introduction of the Batswá into the economic life of the Europeans and their training in its may favor, and result in, a mixing of the races. The wealth thus placed within their reach may serve to seduce some of the more lascivious or greedy Baoto women, particularly those who always hang about the centers, camps, and markets and in whom vice has extinguished all feelings of propriety and honesty. The danger increases when Batswá bachelors are hired as laborers for some purpose and sent far from home to do their work, especially if the proportion of married men in the group is insufficient.

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588 This is not a description of an existing situation -- for the barrier between the two races is still impassable -- but of a possibility that is not out of the question, as an occurrence in 1932 would indicate. The

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178 588 563 164 doctor who was in charge of the dispensary at Flandria at that time informed me of the case of a Bo̲tswa fruit harvester in the service of the H.C.B. who had syphilis of unquestionably sexual origin.

M 582 Though a racial difference constitutes an obstacle to marriage, a tribal or ethnic one does not. Where the geographic situation permits, true Nkundó, such as the Elíngá, marry members of neighboring groups such as the Ngo̲mbe̲, the Mbole, or the Ekonda.

Article II. Social Status

M 554 582 [565] [571] Among the Nkundó a difference in social status is not an obstacle to marriage. They have no social classes strictly speaking. They differentiate between those with authority, those who are inferiors, and the individuals or families who are not entitled to their word in political matters; but these ideas do not come into play in ordinary social relations, [245] and especially not with respect to marriage. A person may belong to a clan which is inferior, subject, dependent, foreign, or descended from a slave; nevertheless he may marry even a member of the group's senior clan. These distinctions are in the realm of politics; a marriage is a matter of law, affection, and good relations based on the payment of a bride price.

M 567 582 Actual slaves are an exception, but here a distinction must be made between the sexes. Unions with slave women were very common, but they were not marriages strictly speaking. Before a real marriage was entered into, the woman was set free. More details on this subject will be given in Chapter VII, Article V. For men the situation is altogether different. The condition of a slave was not only inferior, it was dishonorable, though a bit less so than among the Ancients. It might be overlooked if the love between the pair was unusually ardent, and there are a few clans descended from a "free" woman and a slave man, who were united in a proper and legitimate marriage for which the master paid the bride price.

There is no longer any opposition to the union of a "free" person with the descendant of a mixed marriage. The children may always claim kinship with their maternal ancestors who in these

582
567 matters are more important than the father's ancestry. (1)

[554] 1. Among the Nkundó no shame is attached to not knowing the family of one's father. But not to be able to name the mother's clan is a great dishonor for it proves that she was a slave.

There is less opposition to the first generation born of a couple who were both slaves than for their parents, and it progressively decreases with each succeeding generation. There is practically no opposition now to the grandsons. The reason seems to be [597] that although receiving a wife from one's master in a regular marriage does not constitute emancipation (nsikó, nsikola) for the slave, it is a kind of adoption (wémya, -émya). [246]

Article III. Kinship

582
835 Marriage between members of the same kin group (isangano, bosangema, from the verb -sangema, "to be related") is forbidden. But how far does such a kin group extend? It is impossible to give a general rule. On the one hand, it is certain that if two groups are not descended from a common ancestor there is no bond of kinship between them, even if they live side by side. But on the other hand, it is not possible to say that all those who are descended from the same ancestor are relatives and that marriage is forbidden between the various branches of the grouping they comprise. The question therefore amounts to knowing by which ancestor the exogamous grouping is defined. A decision on this point may only be made through the examination of each case individually.

614 It is impossible to deduce anything from the meaning of the term clan, for it is usually defined as "a grouping of families united to one another by kinship." This leaves us back where we started. The characteristics usually given for a clan are: generic name,

614 totemic bond (1), collective responsibility, and exogamy, and do

1. Totemism does not seem to exist among the Nkundó. In any case it is not apparent here as it is elsewhere.

not provide a solution either. For the elements of this definition must be complementary to one another to provide an adequate intension, and it is impossible to determine the limits within which they operate among the Nkundó.

Thus we would have to make a list of all the groupings of these people and examine them in order to find out which ones correspond to the idea of an exogamous clan. And this is not feasible. Nevertheless, for the sake of illustration, here is the genealogy of the Bongíli:

Their ancestor Tólenjo̲u had two sons, Iloko and Bokungá, and a daughter, Ǎmbá, by one wife. By two other wives he had Eángá, father of the Ikengya, and Efoloko, father of the [247] Boléngé. Iloko's progeny gave rise to the villages of Ifutó, Mbángé, and Lofelí; Bokungá's progeny to Boambá (and Ifoku), Ndo̲ngó̲, Bo̲lo̲ngwanko̲i, Etoóntálé, Bo̲ntálé, Lokónola (part of Imo̲mo̲), and Betoló l'Ibela (whose people live with the Boambá). Through Ǎmbá there originated the villages of Elángá, Imo̲mo̲, and Ele̲ke̲ (the latter together with Bo̲lo̲ngwanko̲i from the village of Lonkongo).

Tólenjo̲u
|
Bokungá
|
Bengóngó
|
Enkéké
|
Longwokó
(died at a very old age in 1933)

614 Thus we have five groups which are exogamous; marriage is forbidden within each group, but not with members of the other groups. The little genealogy above gives some idea of the antiquity of the line and of the distance which separates its present members from the founding ancestor of the tribe. It should be noted that each exogamous group is subdivided into several villages, clans, and families. The same limits appear to be set with respect to the maternal line; marriage with the descendants of brothers and sisters of the ancestress, wife of the ancestor of the exogamous grouping, is forbidden. (1)

> 1. Note that lonkâna relations are practiced within each of the five exogamous groups, but not between the descendants of the same ancestress, wife of one of the ancestors, and of her bibísa. See Chapter I, Article VII, 1.

In investigating this subject the family of the ancestress must be taken into account as well as the paternal line.

In order to be able to define an exogamous group precisely, it is therefore necessary to study not only several villages, but also various tribes. For a single group may be composed of several families who live far from each [248] other and have sometimes become attached to groupings of people who are only very distantly related or even complete strangers. In such a case therefore a single village may include several exogamous groups.

614
621 Such is the case of the Bɔ́endɛ́, descended from the ancestor Ilumbɛ́ yǎ Mpumo. From his first wife, Eámɛ́, arose the Etɔ́o groups, from his other wives, the Bongangá groups. They do not marry among themselves but are a good example of a complex composition.

The Etɔ́o are dispersed in four villages:

1) Etɔ́o of Lotɔ́lá
2) Etɔ́o of Bakovɔ́ or Mbálanɛ́ne, both Basɛ́ká Bombɔ́ngo
3) Etɔ́o of Mbɛ́mbɛ́ or Basɛ́ká Bofiíyolo
4) Etɔ́o of Bosánjo or Basɛ́ká Eɔ́ngo

614 621 The Bongangá are divided as follows:

1) Bongangá, in the narrow sense of the term (Basékà Inanó, B. Bolaká, B. Bongéngé, B. Bandúwá, B. Lokókómyá)

2) Bongangá of Bakoyó, or Bolíma

3) Bongangá of Mbómbé or Basékà Botúna

Thus Lotólá, Bakoyó, and Mbómbé each have an Etóo group and a Bongangá group. The Bongangá, in the narrow sense of the term, have in addition a "slave" group named Batsína, a part of which is located with the Bosánjo. A foreign clan is settled with the Etóo of Lotólá; they are the Bofalambóka, descendant of a man named Ekonda (Imbolo) and his sister who was married to Mbete, a slave from Bompángá (Wángatá) who was freed by his master.

Many villages have foreign groups living with them such as descendants of slaves (*ekwála*), or others (Ekonda, Bombwanja, groups related by marriage called *likilo*, *mpámá* or *bowélé*, and *mbúsolá*, (1) etc.). [249]

[609] 1. *Mpámá* or *bowélé* are any foreigners who were formerly invited by the group patriarch to remain with him in order to carry out certain tasks, especially metal-working. *Mbúsolá* is the term applied to a child born to a woman out of wedlock (Chapter I, Part 2, Article IV, 3). Such children are also called *nkio y'áóme*, "the husband's flying dogs," because they are not his own children but are attached to their mother's husband in the fashion of these animals, who attach themselves to trees when they sleep.

[848] [825]

614 582 If we add the descendants of relatives who have married into other more or less remote groupings, the prohibition against marriage on account of kinship applies to a good many people. In accordance with the law of exogamy, such a kin group may be widely dispersed geographically, and it is understandable that it is not always easy to

Pygmies
Batswa

M 614 untangle all the threads. Thus it happens that young people form 582 relationships with the intention of marrying without knowing that they are related; they are warned only by the opposition and ensuing explanations of the elders.

We may conclude that marriage among descendants of a common ancestor is generally prohibited if they live in the same village. It is frequently permitted on the other hand, if they belong to different villages, provided that they are not, at the same time, related to one of the ancestresses.

M 582 835 Clearly, it is difficult to say what precise degree of kinship formed the basis for the prohibition of or permission for a marriage between descendants of a common ancestor, or what are the boundaries of an exogamous grouping.

It is also apparent from the preceding observations -- as M [611] from the examination of affinity as an obstacle to marriage -- that the descent from a common mother is a more important factor than descent from the father. This does not give proof of a form of matriarchy, though it could be the remains or the beginning of one, or could provide a partial explanation for one. It stems quite simply M [842] from the Nkundó notions concerning procreation, in which they attribute the major role to the mother. There is also the fact that M [602] greater shame is attached to being united with a person descended from the same woman, and finally the fact that they feel a stronger M [593] affection for the mother than for the father (a sentiment [250] which is accentuated by polygamy). The three causes are closely related.

M 184 582 Finally, it should be noted that there is a group among the Nkundó we are discussing which is less strict than the others in this matter. The relatives among whom marriage is prohibited is definitely more limited; that is, their exogamous groupings are more limited. The people in question are the Bongale (see Introduction), and the same phenomenon may be observed among the Elíngá. (1)

P [582] 1. The Batswá are still more liberal, and in this respect their practices differ very little from ancient European laws and customs.

684 There is no sanction against the infraction of the law of
582 exogamy. There is only the opposition of the parents and patriarchs, and a quasi-innate habit.

582
614 Note also that members of certain clans frequently marry members of certain others, among whom they prefer to choose their wives. Therefore a good proportion of the women married into any given family will belong to one particular clan. The Wafé (Bakáala), for instance take a great many of their wives from among the Bongale w'ôtóló.

[174] We may reasonably assume that the ancestors of related groups,
582 who now marry among themselves, formerly practiced exogamy. If
614 this assumption is correct, it must be admitted that with the progressive growth of families, this rule has been relaxed in certain respects so that the present situation has resulted. Consequently, it would not be surprising if these legal provisions became even less rigorous in the future. Actually, some young people have begun to
[178] violate the rules of exogamy and their example has freed the whole family. (2) Thus the Bokátola maintain that their two groupings,

2. See Chapter I, Article VII, 1.

Bompela and Ilóngé, who now intermarry, formerly comprised a [251] single exogamous entity. Contemporary instances appear here and there, but they remain very rare, even between persons who are very distantly related, and much rarer between close kin. (1) For the

1. A recent case was that of Elíma and Bolɔ́fe, who both belonged to the exogamous group of Bokenyola of the Bonjoku, but one belonged to the Baséká Bokóyó family and the other to the Baséká Njoli.

Nkundó still feel very strongly about this law. The bulk of the people are entirely opposed to any laxity or violations and the patriarchs and notables act against them with all their power. But the strength of

582 614 their intervention is greatly reduced by the fact that much of their authority has been shifted to the chiefs named by the colonial administration, and also by all the contingencies of modern life. Since on the other hand, the young people are gradually breaking the ancient limits in order to acquire greater freedom, the elders will one day have to yield to them.

Article IV. Affinity

582 602 Affinity among the Nkundó should not be understood to have the meaning given in European civil or ecclesiastic law. Marriage is forbidden with all persons who are bakiló (Sing. bokiló). (2)

2. Contrary to the statement by Father Kaptein (Congo, 1922, Vol. 1, p. 541).

Therefore one must know what persons are called bakiló, a fairly complicated problem for us Europeans.

To make the matter more understandable, certain considerations must be developed before giving the general rules.

1. General considerations

1) Affinity is not as great an obstacle to marriage as kinship. It is possible to obtain a sort of "dispensation," and for many degrees of affinity, divorce or death removes the barrier. But there are transgressions [252], and, except for the few indicated above, these do not occur in cases of kinship.

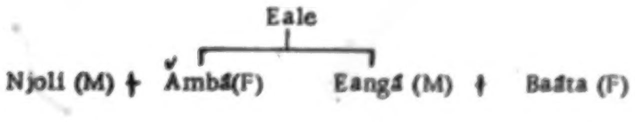
The following legitimate reasons for a "dispensation" are given: a danger that the patrimony will be scattered because of the infidelity of a wife who absolutely refuses to remain with her husband, added to the difficulties of a divorce palaver and the subsequent reimbursements, and -- a reason closely linked to the one just given -- a passionate love between the two people who are relatives by marriage.

582
602 The dispensation is given by the ndonga acting with the family council, which often yields before the fact, particularly if the second reason is involved. (1)

> 1. "To give a dispensation" is translated as kilola. A marriage contracted with a legitimate dispensation or one accorded because of the pressure of the accomplished fact is called kilókilólá, or "an affinity which is not maintained according to the regulations."

[671] 2. Contrary to European law, which recognizes only a direct affinity between husband and his wife's family, Nkundó law also recognizes an indirect affinity, so that a person is affinally related even to the spouses of his wife's relatives. That is, each person is affinally related, not only to his spouse's kin, but also to their relatives by marriage. Thus, in the example below, Njoli and Baáta are true relatives by marriage, though indirect ones. (2)

> 2. The Nkundó do not make a terminological distinction between the two types of affinity. We are using the terms "direct" and "indirect" for the sake of convenience and clarity.



There is an important difference between the two types of affinity: direct affinity is a much greater obstacle to marriage than indirect affinity, and exceptions are made only rarely and only for certain degrees of relationship.

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576 3) A distinction must be made between "superior" and "inferior" relatives, that is, between those who have [253] precedence

582 602 [576] and those who owe submission and respect. The "superior" relatives are the ascendants, uncles, aunts, etc., in short, all those bearing the title of "father" or "mother," as well as elder brothers (elder [601] sisters, elder cousins, etc.), who are batómóló (sing. botómóló). The "Inferiors" are the descendants, those who are called "children" (bǎna): sons and daughters, grandsons, nephews, nieces, younger brothers or sisters, and those who are classed with them and called bakéné (sing. bokéné).

[599] [587] 4) Polygamy and the inheritance of widows introduce another element. We will see that although persons of certain degrees of affinity may not marry, the prohibition is lifted to permit the inheritance of widows.

5) Our term "relatives by marriage" the Nkundó term and bakiló are not synonymous, even with respect to direct affinity. When we use the term "relatives by marriage" here, we are speaking in Nkundó terms. They do not consider certain persons whom we would include in that category as "relations by marriage." Such persons [601] are included in the group which as a whole is designated as likiló or bakiló, but when properly and accurately referred to they are called bóme, "husband," or wáli, "wife," because they may marry each other and therefore affinity, strictly speaking, cannot be applied to them. In other words, for the Nkundó, affinity is the relationship of a person with (only) those of his spouse's relatives whom he is forbidden to marry. It is well to bear in mind the double meaning of this term.

2. The rules

1. Direct Affinity

582 603 606 A. Marriages are prohibited in the direct line. Nevertheless, in accordance with consideration number 4, a son or grandson may inherit or marry the widows of his father or grandfather, but not the reverse. [254]

2: Hulstaert--236 M-5 (ca. 1930) 1938 FO32 Mongo FO32
Nkundu

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Example 1

Bakando (F)
|
Mbɔ́yɔ́ (M) + Esalɛ́ (F)

Mbɔ́yɛ́ may never marry Bakando.

Example 2

Eale (M) + Boɔ́nɛ́ (F)
|
Mbɛ́lɛ́ (F)

Eale may never marry Mbɛ́lɛ́.

Example 3

Bombembí (M)
|
Ikɛ́tɛ́ (M) + Basɛ́sɔ́ (F)

Bombembí may never marry Basɛ́sɛ́. (1)

[691]
[580]

1. If after the death of his son Ikɛ́tɛ́, Bombembí wanted to marry his widow, the mother of the deceased would be so angry and ashamed that she would irrevocably leave him. Such conduct on the part of a father during his son's lifetime would give the son full rights to vengeance (assassination, war with the help of the mother's clan, etc.), for it would be equivalent to a real disavowal of his son. But the case is purely hypothetical.

Example 4

Esalo (M) - Longɛ́ (F)
|
Lofɛ́tɛ́ (M)

Lofɛ́tɛ́ may marry Longɛ́.

N. B. The same rules apply to grandparents and grandsons.

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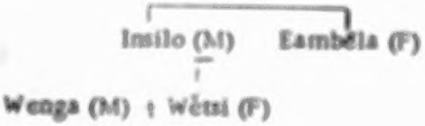
B. Members of different generations in the collateral line: Marriage with older, "superior" relatives of the spouse is forbidden. The Injőlő sometimes make an exception for an aunt of the spouse after the latter's death, but this practice is very much frowned upon.

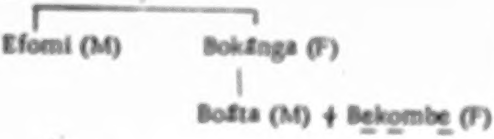
Marriage with the spouse's inferior, younger relatives is permitted.

Example 5


Insilo (M)
Eambela (F)
Wenga (M) + Wetsi (F)

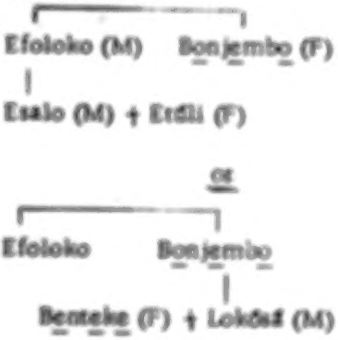
Wenga may not marry Eambela (with the exception noted).

Example 6


Efomi (M)
Bokanga (F)
Bofta (M) + Bekombe (F)

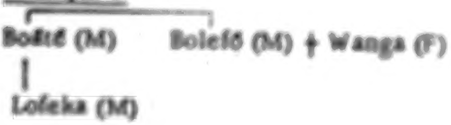
This case is identical with the preceding one.

Example 7


Efoloko (M)
Bonjembo (F)
Esalo (M) + Etdli (F)
or
Efoloko
Bonjembo
Benteke (F) + Lokdad (M)

Marriage is forbidden in any event [255]

Example 8


Bodtd (M)
Bolefő (M) + Wanga (F)
Lofeka (M)

Lofeka may marry Wanga.

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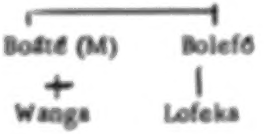
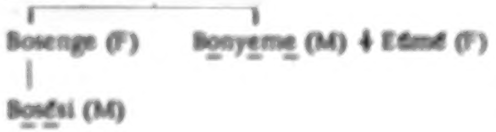
Example 8 (continued)

or


Bofté (M)
Bolefó
Wanga
Lofeka

Example 9


Bosenge (F)
Bonyeme (M)
Ekímé (F)
Bosési (M)

Bosési may marry Ekímé.

The same rules apply equally to great-uncles and great-aunts, and to cousins who are not equals (related as "father" and "son"; see the table of kinship relations and terminology in the appendix).

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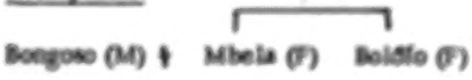
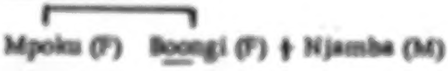
C. Equals in the collateral line: The degree of relationship is of no importance, for example, marriage with an older sister (or cousin) of the spouse is forbidden; marriage with a younger sister is permitted. The same rule applies to women, but after the husband's death an exception is sometimes made in the elder brother's favor in order to facilitate inheritance arrangements. Only the Boángɛ -- like the Elángá of Losanganya -- make no distinction between elder and younger siblings and always permit the marriage. They are even beginning to be imitated by the Injóló. [18]

Example 10


Bongoso (M)
Mbela (F)
Bolólo (F)

Bongoso may marry Bolólo.

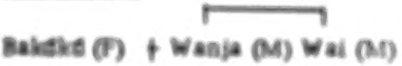
Example 11


Mpoku (F)
Boongi (F)
Njamba (M)

Njamba may not marry Mpoku.

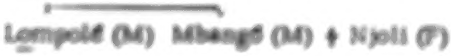
SR2
607

Example 12


Bakɔkɔ (F) ǂ Wanja (M) Wai (M)

Wai may always marry
Bakɔkɔ [256].

Example 13


Lompolɛ (M) Mbangɔ (M) ǂ Njoli (F)

Lompole may not marry
Njoli. Very rarely an
exception is permitted.

SR2
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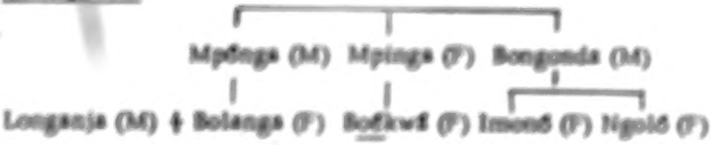
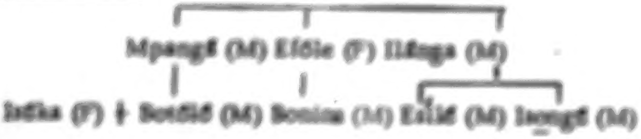
Example 14


Mpɔnga (M)
Mpinga (F)
Bongonda (M)
Longanja (M) ǂ Bolanga (F)
Boɛkwɛ (F)
Imonɔ (F)
Ngolɔ (F)

Longanja may not marry his elder cousins, but he may marry the younger ones with the exception of Boɛkwɛ who is bɔ́nankɔnɔ and has a "father's" rank (see above).

Similarly:

Example 15


Mpangɛ (M) Efɔle (F) Ilɔnga (M)
Iɛfka (F) ǂ Botɔlɔ (M) Bonina (M) Ealɛ (M) Isongɛ (M)

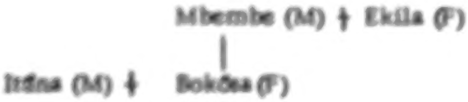
Only Botɔlɔ's younger cousins may marry Iɛfka. Bonina is bɔ́nankɔnɔ, therefore "father," and consequently included among the uncles (see B, above).

[Q2] Note, finally, that the more distant the relationship, the less strict the prohibition, that is, dispensations and exceptions are more easily accepted.

2. Indirect Affinity

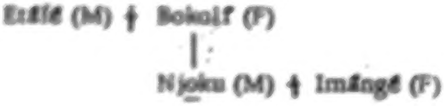
A. Marriage among those of lineal relationship is forbidden
582 but certain exceptions are permitted. There are two possibilities:
606 with the father's wife (Example 16) and with the son's wife (Example
604 17).

Example 16



If Bokɔ́sa dies or is divorced from Itɛ́na, the latter may marry Ekila, but this exception is not often made because they would be very open to unkind criticism. [257]

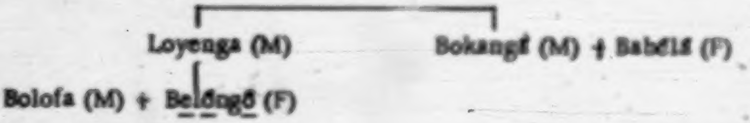
Example 17



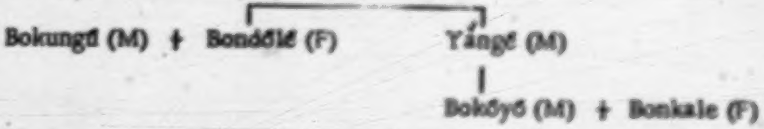
After Bokolí's death Etɛ́fɛ́ is permitted to marry Imɛ́ngɛ́. Such a marriage is more leniently regarded if Etɛ́fɛ́ himself paid the bride price for Imɛ́ngɛ́, for in that case he is preserving his capital in marrying her. This consideration may also apply during Bokolí's lifetime, if Imɛ́ngɛ́ does not want to remain with Njoku. Under such circumstances, however, Njoku's mother would oppose the marriage with all her power. If Etɛ́fɛ́ does not listen to reason, he can expect
[586 a divorce or even war with Bokolí's clan, to whom he is doing a great injury by taking away his stepson's wife. After divorce Bokolí's kin may refuse to give Etɛ́fɛ́ her new bride price and may give it directly to Njoku so that he can obtain a wife to replace the one that was taken from him.

582
604 The same rules are applicable to aunts and uncles, but they are less strict:

Example 18 (comparable to Example 16):


Loyenga (M)
Bokangɛ (M) + Babɛlɛ (F)
Bolofa (M) + Belóngó (F)

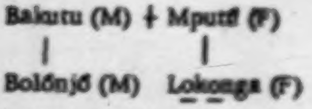
Example 19 (comparable to Example 17):


Bokungú (M) + Bondɔlɛ (F)
Yangɛ (M)
Bokɔyɔ (M) + Bonkale (F)

582
595
605
[602] B. Marriage between affines who are collaterally related through their lineal relatives:

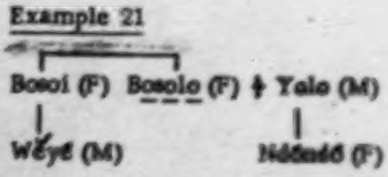
a) Marriage between descendants [of the lineal relatives through whom the affinity is established] is strictly forbidden. Thus, the children of two spouses may not marry each other; they are considered brothers and [258] sisters. The same rule applies to two half-cousins (Example 21).

Example 20:


Bakutu (M) + Mputú (F)
Bolónjó (M)
Lokonga (F)

Marriage between Bolónjó and Lokonga is strictly prohibited.

Example 21

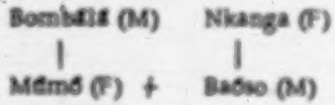

Bosoi (F)
Bosolo (F) + Yolo (M)
Wɛyɛ (M)
Nɔɔndɔ (F)

Marriage between Wɛyɛ and Nɔɔndɔ is prohibited.

572
642

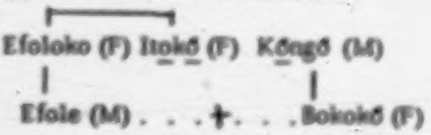
b) Marriage between ascendants [of the lineal relatives through whom affinity is established] is forbidden, but an exception is made when the affinity is broken by death.

Example 22:


Bombɛlɛ (M)
Nkanga (F)
Mɛmɔ (F)
Baɔso (M)

Marriage between Bombɛlɛ and Nkanga is forbidden,

Example 23


Efoloko (F)
Itoḵɔ̱ (F)
Kɔ̱ngɔ̱ (M)
Efole (M)
Bokokɔ (F)

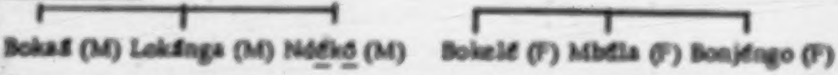
Marriage between Itoḵɔ̱ and Kɔ̱ngɔ̱ is forbidden, but permitted upon the death of either Efole or Bokokɔ,

Dispensations and violations of this rule do occur.

C. Affinity in collateral line arising from a marriage between relatives in collateral line: The rules are the same as for direct affinity in collateral line (see above, no. 1), C.)

Example 24

[60]


Bokaɛ (M)
Lokɛnga (M)
Ndɛ̱kɔ̱ (M)
Bokelɛ (F)
Mbɛla (F)
Bonjɛngo (F)

Bokaɛ is married to Bonjɛngo. Neither he nor Lokɛnga may marry Bokelɛ, and Ndɛ̱kɔ̱ may not marry Mbɛla [Translator's note: the table shows Ndɛ̱kɔ̱ to be female, but I have corrected the error]. If he had married Bokelɛ, Ndɛ̱kɔ̱ could marry Mbɛla. Furthermore, if Bonjɛngo were Mbɛla's senior, then Lokɛnga could also marry Mbɛla. [259]

The same rule applies to cousins:

572
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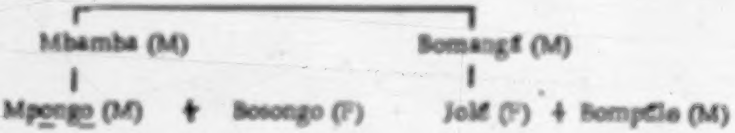
Example 25

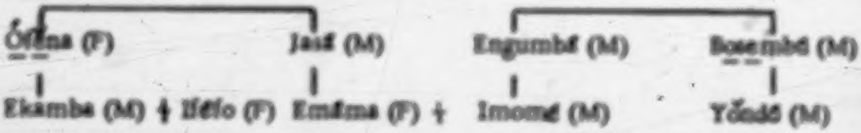

Mbamba (M)
Bomangɛ (M)
Mpongo (M)
Bosongo (F)
Jolɛ (F)
Bompɛlo (M)

Marriage between Bompɛlo and Bosongo is forbidden.

As the degrees of relationship grow more distant, the obstacles increasingly lose their force, so that exceptions are more readily accepted.

One point remains to be noted, although it has already been mentioned several times. Cousins (male or female) who are [601] bánánkɛnɛ are "fathers" to their cousins according to Nkundó law; they are therefore treated as aunts or uncles. For them the prohibition is very severe, especially if they are nyangɔ́kiló, "mother" of a relative by marriage.

Example 26


Ófɛna (F)
Jasɛ (M)
Engumbɛ (M)
Bosembó (M)
Ekamba (M)
Ilɛ́lo (F)
Emɛma (F)
Imomɛ (M)
Yɔ̌ndɔ́ (M)

Ekamba is Jasɛ's bɔ́nankɛnɛ and therefore Emɛma's "father." Ilɛ́lo, his wife, is therefore Emɛma's mother. Emɛma is Yɔ̌ndɔ́'s bokiló. Consequently, Ilɛ́lo is the mother of Yondó's bokiló and therefore Yondó's nyangɔ́kiló. Marriage between Ilɛ́lo and Yɔ̌ndɔ́ is strictly prohibited, though it is not prohibited between Emɛma and Yɔ̌ndɔ́ (see Example 18).

Adulterous relations among these various persons will be discussed in Chapter VI, Article VI, 2. [260]

Chapter VI

Married Life

593x As soon as an engaged pair begin to live together, as described above, they acquire all the rights and duties of married people. No special ceremony marks the consummation of the marriage.

To translate "married life" the Nkundó use the noun ibánelo, from the verb bálana, which is the reciprocal form of the root -bal, "to get married." The noun, like the verb, is used in the physical as well as the moral and social sense. Our terms "household" and "family" have no exact equivalents in their language. The only term they have is ilongo, denoting the family in the broad sense that includes all related persons; but it could easily be adopted to translate our European terms. (1)

> 1. From the absence of a specific name, we cannot conclude that the thing itself is lacking. The Nkundó have a family in the sense of a household, though their idea of it and their organization is different from that of many peoples. But the word familia had a very different meaning among the Romans than that given to the French word, which also has a double meaning.

In this chapter we will examine the position of the spouses in relation to each other: the division of labor, property, various rights and duties, the relationship of the spouses with their families or relatives by marriage, and, finally, extramarital sexual relations.

Article I. The Division of labor

462
593 The care of the household falls to the woman. It includes the preserving and preparation of food, the cleaning of the hut and the court, the planting and care of the fields and various crops, and the care of the [261] children. She also fishes with scoops and does

462 913 basketwork (mats, baskets, scoops). Among the Elinga women mold and fire the pots. It is also the woman who gathers the small pieces of firewood for which a knife and a machete are adequate; the large pieces of wood which must be cut with an axe are brought by the husband. She, too, is the one who gathers the vegetables, mushrooms, and caterpillars. She tends to the extraction of oil, makes the salt, and goes to the markets. And she also takes care of the farmyard.

A man, for his part, gives his attention not only to various political and social pursuits, but also to those tasks which are more difficult, more dangerous, more in conformity with his nature and constitution, such as hunting, fishing, cutting clusters of palm nuts, working in wood and metal, building the hut and annexes, weaving the nets and screens for fishing, felling the forest for cultivation (the woman burns the growth, then plants and cares for the crops).

Thus the division of labor is well regulated. Each one takes care of the task that suits his nature. We are not too astonished at the fact that a man never helps his wife, or vice versa; each limits himself to his own sphere. The Nkundó would consider it shameful to participate in the work of the opposite sex. Neither one nor the other complains about the matter. Besides, the fact that a woman has most of the trouble in the household, especially if there are several children, is in conformity with the nature of things. Consequently, we would be mistaken in considering the Nkundó woman a beast of burden and her husband a lazy profiteer. (1) [282]

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1. Compare what I have said with what was written by Father Dubernet in Missions Catholiques, 65th year, no. 3185, August, 1933, p. 387: "Except for the rare few who are in a position of wealth, the woman, among the Blacks we have known, tends to her household tasks more or less like a good peasant back home. She has seldom seemed to us the beast of burden that others have been pleased to describe."

Article II. Property

593x 614 [764] Through marriage, a woman does not become a member of her husband's clan. If for example she is born into the Bofétola clan, she remains all her life bosɛ Bofétola, "member of the Bofétola clan," and her corpse has to be buried in her native soil. In case of divorce and remarriage, the new husband does not refund the bride price to the former one; he pays the woman's parents, and they reimburse the forsaken husband.

593x 421 All the wife's activity, however, is directed toward the good of her husband and his family, and this is so from the time of the ikulɛ payment. Her parents have no further rights over their daughter. All the fruits of her labor are her husband's property.

If she finds objects that have no owner, such as, for example, elephant tusks or buried copper rings of which no one claims ownership, they do not belong to her nor to her family, but exclusively to her husband. If he shares with his parents-in-law, he does so out of affection and respect for them. He has no legal obligation to do so, but propriety and cordial relations impose a certain duty on him.

Profits from the sale of the products of her industry (such as foods for market, mats, salt, pots, baskets) belong not to her but to her husband.

Even whatever she acquires during a visit to her parents, everything she finds while she is with her family, the fish she catches, the caterpillars she gathers in the forest there, all that belong exclusively to her husband.

It sometimes happens that a woman infringes on the husband's rights in this respect. If he is kind he will generally let her do as she [577] pleases. Severity on his part would be attributed to a lack of affection toward his wife or a lack of delicacy toward his parents-in-law, and he would even be criticized for being stingy (never unjust!), a more serious criticism than the others from the Nkundó point of view. [263] Dishonest conduct on the part of a wife, however, may give rise to incidents, and even to serious ones. That is what happened in the historic case of Efoloko of Ikengya (Bongɛli), who was married to [578] Mpokɛ́ of Imo̱mo̱. She had gone fishing at home and had given all her fish

593x 421 578 to her brother Bolómaóngá. Her husband did not press the point. But at a meeting where much beer was consumed, his companions teased him for his excessive leniency, which they explained as a weakness on his part. Mpokú hereupon went into a rage, and the result was a bloody war between the two clans.

593x 421 A husband is expected to provide for his wife and to set aside a fair portion of profits gained for her clothes, her utensils, etc., or quite simply to give her the means to take care of her own needs and those of the house.

Thus, although the husband is the sole legitimate owner of the fruits of his wife's labor, another law requires him to give her the amount she reasonably requires for her maintenance. If the wife appropriates the profits without informing her husband in advance, her action is an infraction of the law. If the husband does not give his wife what is necessary and useful to her to the extent that he is able, his action, too, is an infraction of the law.

Fish caught by the wife are cooked, and those that remain are smoked and thus preserved for the use of the household as a whole. If a husband is not too badly disposed toward his wife, he will let her have a portion for her family.

The fields set up jointly by the couple (the man cuts the forest, the woman burns and clears the field, plants and cares for the crops) are the husband's property. The fruits of the field are used for their joint maintenance and that of their children. Profits from the sale of a portion of them are for their common use. They settle these matters between themselves as do most European families. Naturally, there are infractions in this respect also, and one spouse or the other sometimes enlarges his share for his own benefit or that of his parents, or disposes of goods without communicating his intention do so to the other in advance. [264] But all decent people disapprove of such behavior. (1)

(1). There is a fable which teaches the right attitude to adopt in such situations.

593x If one day the marriage is dissolved, the wife may no longer
421 claim any right to the fields, utensils, clothing, etc. She does not
[586] inherit from her husband. When she herself dies, her family has no
right to anything she may have left except, of course, to valuables
she has received on the occasion of the marriage of one of her
daughters. (2)

2. See Chapter II, Article V. For fuller details, see Chapter VIII, Article V, and Chapter IX, Articles IV and VII.

593x The woman's position with respect to property has yet another
672 consequence; a husband is responsible for damage caused by his wife.
421 He is the one who must pay the indemnity. The same is true for any debts she may have contracted. If she has borrowed, her creditor claims his due not from the woman nor her family, but from her husband. He alone is recognized as legally responsible, since he alone has the rights to his wife's economic activity, and profits as well as losses from it. Afterward he has the right to scold and even beat his wife for causing him this financial injury. However, an exception is made in cases where the woman's family officially acknowledges, by publicly paying a ndanga before witnesses, that she is at fault and thus frees the husband of any responsibility.

We may thus draw the following conclusions:

1) A woman is not an owner.

2) However she has the right to a reasonable amount for her various needs. This right is not a true property right (jus in re); it is a right to what is necessary for subsistence (jus ad rem).

3) Thus it is not possible for a woman's parents to inherit the goods which her husband has placed at her disposal [265].

4) A wife never acts in her own name but as her husband's agent; therefore he is legally responsible.

Article III. Relations between Spouses;
Their Various Rights and Duties

593x 833 Spouses are obliged to fulfill the duties and perform the tasks incumbent upon them .

It is difficult to say just how far the sense of duty to fulfill the debitum conjugale extends among the Nkundó. Normally, they very frequently fulfill this obligation toward each other. But after a good quarrel they abstain, either through mutual consent or because one of them refuses. [586] If one of the parties fails seriously and repeatedly in this respect, the question is resolved by a divorce. The response to temporary lapses is limited to reprimands, disputes, blows, and other common reactions. [834] It should be added that continence is required during the ekelé period after the birth of a child and after setting up a new hunting enclosure (lokombo) or a new fishing weir (bosaka), before the third piece of a game or fish is caught.

1. Meals

593x 264 A couple never take their meals together. The husband eats the food prepared for him and served to him by his wife alone, with his grown sons, or with friends or relatives. The wife herself eats with her small children, her daughters, or her female relatives. The two sexes never mingle at meals.

593x 521 The same rule applies to talks, but it is much less strictly maintained; it is not rare to find that, for one reason or another, women participate in the conversation of men.

It will not be long before, through the influence of Christianity, [266] women will generally be admitted in the conversations of the opposite sex. Developments with respect to mixed meals will come with much more difficulty; in practice the question has not even been broached.

593x 348 [354] Thus one finds a kitchen next to the bedroom or separated from the hut; in addition to being the place where food is prepared, it is where the woman spends her day. The kitchen is sometimes a structure separated from the dwelling itself, sometimes a part of the house separated from the bedroom by a partition containing a door.

598^x 343 Polygamists as well as some monogamists have a kind of shed where they receive their friends, take care of their affairs, eat their meals, etc. (1)

> 1. Such a shed is called esamba by the Bombwanja, ingómba by the other tribes. The Beloko, like the Ntómbá and Bolɛ́ngɛ́ located between the Congo and the Boloko, say bongómbo. The Ekonda say ewánga.

[626] A man who is frequently found in the kitchen or who likes to rest there is the butt of ridicule by both men and women. He is called ikúmbelinga (derived from bolinga, "smoke," and kúmba, "to dodge; to turn the head away in order to protect the eyes against smoke").

2. Illness

593x 758 A wife is required to nurse her husband if he is ill, together with his other wives if he is polygamous and, in case of serious illness, with the aid of his female relatives (mother, sisters). Even if they are married and living at a distance, they come to take care of a brother or son; it behooves their husbands to be reasonable and not to try and forbid their absence or prevent this exercise of their duty, for otherwise a man runs a great risk of seeing his wife leave him for good, outraged by this demonstration of his lack of affection for her family.

Together the wives and relatives seek medications and prepare the appropriate potions.

When a wife is ill the husband's female relatives usually come to see her, console her, and administer what care they are capable of giving; as a rule they are well disposed toward the wife of their son, brother, etc. The husband, for his part, must seek medications and help his sick wife. I recall a great palaver apropos of this question. During the illness of his wife Efetsɛ́, a certain Bokangá continuously had relations in his hut with another woman. The matter became public. The guilty husband was

593 required to re-establish peace and harmony by means of a considerable
758 boóndo, for having failed to take care of his wife and for having
shown complete thoughtlessness and indifference.

If the illness becomes prolonged or serious, neither the hus-
593 band nor his relatives have the leisure to nurse or take care of her.
758 To remedy this situation and at the same time give the woman's
672 parents the satisfaction of being able to help their daughter themselves, the husband sends her to them. He takes her there himself or calls them to come and get her. He communicates the news by sending his ndonga who bears a token payment (ndanga, loákako) such as a knife, a copper ring, etc. This ndanga is a pledge, evidence for the family that their daughter was ill on arrival and did not acquire her infirmity while with them. Without this pledge they would not want to take her; they would prefer to treat her in her husband's home. Or if the husband were to send her home without a ndanga, they would call the ndonga to witness this infraction of the rules. Or the fact that the husband has done this might be considered as a repudiation of his wife, pure and simple. In any case the husband would be in the wrong, and under these conditions the legal responsibility for his wife's death would fall entirely on him (see Chapter IX, Article X).

593 When the wife is cured, her parents send a message to their
758 son-in-law to urge him to come and take his wife back.

Even if they have not been invited by the husband, the wife's parents come to see their daughter when they hear of her illness [268] in order to take her away with them and care for her. She usually follows them, but she is not required to do so since she belongs to her husband. People even cite the names of women who despite the insistence of their families did not want to be cared for at home, but have preferred to die in their husband's arms, so to speak. Among them were Bolúmbú w'ĩkofo of Bombénga w'õkenda (Besombó) married to lembe y'ilongo of Engónjó; Baleko of Nseké married to Eanga éâ Jatá of Nkélengo; Iombe of Bosáá married to Bokúlúmbwá of Iálá; Balengola of Ntómbá (Bombwanja) married to Lompoko of Mbelé; Mpémbé of Bonganda (Bonkoso) married to Imbamba of Bonjoku;

593* 758 Efala of Longa married to Ifolí of Bokɛnyola (Bonjoku); Basɛsɛ of Mbelɛ married to Nkengo of Litɔli.

If the woman went to her family in good health and contracted an infirmity there, her parents are responsible for it. They are obliged to nurse her and to assume all the expenses due to her treatment. After she is cured they send her back with a quantity of nkomɛ for her husband. Usually the matter ends there. If relations between the two families are not very good, however, the husband will claim an indemnity, which varies with the situation and to which he is entitled even if he does not claim it.

This stipulation of the law holds even if the woman has gone to see her mother, father, etc., at the time of an illness or for any other reason.

It does not hold, on the other hand, if the wife has been ordered to go to her parents by her husband, or if she has fled the home shared with her husband because of ill treatment or of serious failings on his part; this point will be explained below in number 3. In such cases the husband is legally responsible for the illness.

Certain situations may arise which are intermediate to the ones discussed. Thus, for example, a wife may make a visit on her own initiative [269] but for her husband's good. Theoretically, he should win the case. Note, finally, that a stay of only twenty-four hours is not considered sufficient to make responsibility for an illness fall on the wife's family.

178 595* 758 672 797 Colonization has produced an entirely new situation. Colonial law has given the extra wives of polygamists the freedom to go to a mission in order to be instructed in the Christian religion and to contract a monogamous marriage (provided the customary rules governing the dissolution of marriages are observed). Such a woman may fall ill at the mission. If her illness has no troublesome consequences, it does not result in a dispute. But if the illness becomes chronic and in some way detrimental to the abandoned spouse, it may do so.

The polygamists declare that they are free of any responsibility, which they place on the woman's family. But the family has

178 nothing to do with it; it is unjust to bring them into the matter.
595x Since this legislation is intended to combat polygamy, it is natural
758 that the polygamous husband be the one who suffers from it.

672 The following is a recent example of this situation: Mbóyó
797 Julienne, sister of Botúna Jean of Balondó, married to a polygamist by the name of Insílo of Bokenyola (Bonjoku), went to Bokuma Mission, where she contracted an incurable illness. (1) Because of her illness she found it impossible to remarry. She therefore left the mission but was no longer accepted by the husband she had lived with so that she had to live in her brother's home. Insílo insisted that her brother reimburse him for the bride price, maintaining that in going to the mission, the woman had divorced him; his real reason, however, [270] was that she had become unfit to fulfill the duties of a wife. Since Mbóyó did not fall ill in his home, he held her family responsible.

1. It was a sort of illness with nervous symptoms. From a scientific viewpoint, it is more than likely that she had this illness before her arrival at the mission, although it was only manifested there. But the natives do not make this distinction, so it is not relevant to our topic.

593x 3. Abandonment of the home shared by the couple

586x In the case of serious failings on the part of a husband, a woman's usual weapon is to leave their common home and return to her father's house. If the reason for her flight is serious, it is up to the husband to go and bring her back. She will not return on her own initiative. If he refuses to make the first step, he will be accused as much by public opinion as by his parents-in-law of not loving his wife, and a rupture will become inevitable. It is therefore his duty to go to his wife's parents. They will ask him to explain the situation. The wife, too, will say what she thinks. The parents will settle their difference. Whether or not the ndonga is present will depend on the

593x gravity of the situation. In general, the wife's parents judge impartially,
586x because they value the stability of the marriage. If the
husband feels that he has been wronged, he can always appeal to the
ndonga, but ordinarily there is no need to do so and the matter is
settled in a friendly fashion and in private. If the woman is found
to be in the wrong, her parents scold her and take her to task. Provided
[431] with some gift (two or three bakonga, for example), they return
her to her husband, advising her to behave in a more suitable
fashion in the future. Should she resist, her parents will not hesitate
to use threats and curses, and these seldom fail to have their effect.
Nowadays women have become more emancipated, and it does sometimes
happen that such a woman will scorn her parents' decision,
especially if she has a lover somewhere beyond the reach of family
justice. If it is the husband who is in the wrong, his wife will not go
back with him until he has begged her to do so by paying a few
copper rings or other valuables, the amount depending on the
seriousness of the situation. This act on the husband's part is expressed
[576] by the verb bɔ́nda [271] and the noun bɔ́ɔ́ndo, terms which
do not apply specifically to this case only but are used whenever
pardon is asked for a serious offense. This payment is not a fine or
indemnity; it is more closely equivalent to the apologies and retractions
customary among Europeans.

593 At the present time some women go back to their families
579 for very slight reasons. Freedom and a greater ease of communication,
578 together with a desire for emancipation, which is no longer
held back by the rein of ancestral sanctions, are the cause for this
state of affairs. They are still held back somewhat by the risk of a
rupture of the marriage, a possibility which they generally would
rather not see realized, especially if the bride price is quite large.

In the past, if a woman was married a short distance away
from her parents, she could always run away to them when there were
domestic disputes. Even if the route led through other villages, it
[487] was always possible to take a direct path through the forest, for such
paths exist everywhere; they go around the villages in between so
that, in case of conflict or danger of assassination, a traveler can go
his way without being seen. When a woman was married into a

593 distant village, the situation was different. Not only did she run
574 many grave risks on the way, but it was not easy for her clan to
578 intervene on her behalf and to obtain respect for her rights by means
of force. It can be readily understood that if a wife found herself
alone and isolated, without effective support from her family, her
husband and parents-in-law could feel free to do her many injustices
if they were unkindly disposed toward her, unless the ndonga was
sufficiently influential to keep them within limits. Hence the proverb
[589] bol'ôsíkɛ, mbila ñgɛ likwɛla, "If the native village is far away,
peace (in the household) is like slavery." [272]

In the course of domestic quarrels an exasperated husband may shout at his wife: "Go away, go home." Usually she simply goes to the home of some female relative to wait till calm returns. But sometimes she may take his words literally and go home. When her parents are informed of what has happened, they tell their daughter that she is in the wrong. Such a thing cannot be taken tragically. The husband has acted in a moment of bad humor and extreme indignation. He did not really send her away or repudiate her. There is no question of hate or indifference. Thus the matter is not taken seriously, and when the wife calms down, her parents persuade her to go back to her husband. If he likes her enough the matter ends there; it is forgiven and forgotten. Even if, having gone to her family under these circumstances, the woman becomes ill or dies there, she herself is responsible. Thus sending her away in that manner is not in any way taken seriously; it has nothing in common with a repudiation and cannot even be compared with a wife's flight because of bad treatment.

To summarize, if a wife leaves the house in which she lives with her husband, he is obliged to go and fetch her whether she is in the right or in the wrong. On the other hand, parents will send a daughter back to her husband if she is too easily angered and runs away over trifles. The following are generally acknowledged as serious and justifiable reasons for flight: serious failures in fulfilling marital duties, punishments or repressions without just cause, excesses in just punishments.

593ˣ We should add that in some households, difficulties arise
606 rather easily during the visits of parents or parents-in-law, because
578 of the sensibilities, incompatibility of character, or discontent of one party who may consider the other guilty of discourtesy, lack of delicacy, disrespect, or stinginess toward the visiting parents. The same is true for the rearing of children. [273]

4. Punishments

593ˣ Nkundó law permits a husband to inflict corporeal punish-
578 ment (bikɔ́njwɛ́, sing. ekɔ́njwɛ́) on his wife, its nature varying with the seriousness of the case. Obviously these sanctions, expressly
[576] permitted by law, cannot give rise to claims on the woman's part or result in the obligation to pay a boɔ́ndo. [Editor's note: Unless, of course, the husband -- acting in excess of his rights -- is more violent than the occasion warrants for under such conditions, the wife, supported by her family, attacks the husband, who is then
[619] forced to acknowledge the harm he has done and make reparation by means of a boɔ́ndo.] If she is hurt she may claim a supplementary payment called liombo (from the verb bomba) or "bandage" (for the wound); it consists of 5 rings or more, depending on the situation.
[826] The loss or breaking of a tooth is considered a serious injury. For this is a real injury to the woman and, in the case of front teeth, to her beauty. (1) Of course, as explained above, the wife will first have run home, and it is there that the dispute is examined.

593ˣ For the sake of a clearer understanding, let us go into a few
578 details concerning the penal stipulations of Nkundó law in relation
667 to the life of a married couple.

Usually, in a simple domestic quarrel, the couple does no more than tell each other some home truths, seasoning their speeches

[304] 1. Because they are filed, the incisors are much less resistant than normal teeth. Teeth filing is practiced for reasons of b[illegible]y.

578 with a few vulgarities. If the woman goes beyond that, her husband
593 gives her a good slap, but he cannot allow himself to exercise his
684 muscles further upon her.

If a woman's tongue is too voluble and she permits herself to deliver gross insults without a suitable reason, her lack of respect is considered punishable. It is not considered proper (578) to right this wrong by means of blows, however, although in practice impetuous young men do not always restrain themselves. The sanction preached by tribal wisdom is the man's abstention from food prepared by the guilty wife, and his refusal to perform the conjugal act. A Nkundó woman is very sensitive to such measures. If she is really recognized to be in the wrong and peace is not promptly re-established, the wife's
[578] family will beg the husband to calm down and offer him a *bofodo*, which may be as great as the value of a dog.

593 In the course of a quarrel a Nkundó woman may resort to a roundabout way of expressing her feelings; instead of cursing her hus-
578 band directly she will address herself to a domestic animal which passes in front of her. The man is naturally not deceived, and the effect is identical.

What we have said applies to ordinary insults such as to wish a person's death, which may be expressed in the following ways: *owɛ* "drop dead," *nkoi ɛkokumbɛ*, "may a leopard get you"; *njwɛ ɛkɔkɔtɛ*, "may a snake bite you": *ɔ́lɔ́wɛ ɛ*? "aren't you dying?"; *okona*, "why don't you get sick"; *bɛkotɔ́mbɛ ndɛ ngɛlo*, "may you be carried to the cemetery"; *bɛkokundɛ*, "may you be buried." Invectives based on physical defects or designed to humiliate a man fall in the same category. For instance a woman may call her husband *bololɛ* or *etula*, "a nobody," or *imɛmɛlo*, "idiot," or *inyanyama*, "beast," etc.

If, on the other hand, the woman in her volubility attacks her husband's parents, the matter becomes more serious. The Nkundó react very badly to verbal excesses directed toward them. Whether he is subject to teasing on their account or to insults such as "eat your mother (or father)," or to obscenities in relation to them, or whether the speaker "disinters" deceased parents in evoking their memory. (1)

[195] 1. For the sake of documentation on Nkundó psychology and morals, here is the Latin text

> 593x 578 195 of a few fashionable expressions: *vulva matris tuae, comede matrem in clitoride, coi cum matre.* The same expressions, *mutatis mutandis*, are used with reference to a person's father, brother, or sister. The expressions used for "disinterring" are *oiundola ilongo, isé, nyangó*, etc., that is, "exhume your family, father, mother, etc., or *bejwó bekí*, "your corpses," that is, your deceased parents (this last expression especially excites a strong reaction).

578 593x the effect does not vary greatly. [275] The only difference is in the intensity of rage and of the reactions, which depends on the individual temperaments of the interested parties.

578 593 627 A Nkundó is greatly outraged by obscenities hurled at him by his wife, especially if she attacks him in public. His reaction is always violent. Usually it comes to blows, a thrashing, and sometimes the knife. But if the husband wants to remain within the limits of the law, he cannot injure or, more especially, kill his wife on his own authority. Before going any further, he must bring his case before the *ndonga*. His family is invited to the meeting and, if possible, so is the wife's father. The outraged husband presents his case and warns the persons assembled that one day his exasperation will lead him to take up the knife. Having taken his case before qualified persons, the husband can from then on go ahead and avenge himself for the disgraces his wife may inflict on him; it is lawful for him to do so. If the guilty woman starts again, no one can accuse her husband of wronging her, for she herself is at fault and he has warned her in accordance with all the rules of the law.

593x 578 [178] Modern young people do not always follow this procedure. But their revolutionary spirit often brings them reprimands and often gets them into great difficulties. The elders jealously guard their authority, and no one may reproach them for doing so. Therefore in a palaver of this sort, a father will sometimes foresake his son.

M
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578 Since the impetuous youth did not want to observe the ancestral custom and considered his strength superior to the law, his action is not justifiable. We must admire among many of the old natives the innate feeling of justice and impartiality that makes them disapprove of and condemn their own children. Furthermore, if the passionate avenger of his honor does not change his ways and endeavor to combat the thoughtless violence of his temperament by replacing it with a sense of measure, his marriage will not last. And he will be the one [276] accused of having caused the break. The matter is clear; it is quite true that the woman started it. The husband therefore had all the trumps in his hand. Why, then, did he not use them? If he had followed the procedure required by law he would have gained his case all the way down the line.

The fact that a husband must first inform the ndonga and the family authorities does not mean that he has not the right to punish his wife in a violent fashion. This practice is observed to avoid excesses and abuses. The husband is not given the freedom to do as he pleases. Recourse to the representatives of family authority may be considered as a kind of delegation of their power.

These legal provisions of the Nkundó are truly wise. While they give an outraged husband the right to punish his wife and, therefore, to hold her in check, the law imposes a rein on the impetuousness of unthinking anger. Furthermore, by requiring that these matters be made public, they avoid interminable discussions and palavers on the subjects of fines to be paid, etc.

M
[682] In the past certain men were capable of becoming exasperated by the disgrace to the point where they were no longer able to master their rage. Women were killed for this reason. The Nkundó say that a man would not let himself be carried to this extreme unless driven to it by the great love he bore his wife. This comment has a psychological validity. Nevertheless, such an action was not praised and could even produce a war.

M
593 It sometimes happened that an enraged man who wanted to kill his wife under such circumstances was prevented from doing so
578 because he had to abstain from assassination to maintain the efficacy
P
676 (mimbo) of a practice (bote) in his possession. He therefore had

Nkundu
Pygmies FO4
Batswa

M
590 recourse to the assistance of a third party who -- for remuneration,
578 of course -- undertook to carry out his project. This task was usually
P confided to Batswa, who did not disdain this type of work, which
[579] was quite suited to their taste.

The fact that the law gives the husband the right to punish his wife [277] for the type of oratory under discussion meant that a wife had to exercise some discretion in her choice of expressions. Fearing violent reactions, she often spoke the more serious insults softly.

M
776 Since the European penetration women are more daring. For
578 their husbands fear European justice, which follows principles entirely
579 different from their ancestral law. Thus they complain bitterly of
562 the insolence of their wives: "We have become slaves; the women are now all-powerful. They may do as they please, for we can no longer do anything to them." But as soon as native courts are sufficiently educated and are freed from what an eminent colonial jurist has called "the jurisdiction of palavers" (1), they will no doubt effect a salutary change in this situation.

M
562 The emancipation of women is one of the factors that have
586 increased the frequency of divorce. For a man who cannot avenge continuous outrages remains dominated by shame, and the presence of the one who is the cause of it must become unbearable in the long run; whence the indifference, antipathy, hate, and the inevitable results of that permanent confusion in the household.

M
593 Men among whom the feeling of modesty was highly developed
762 hanged themselves out of shame instead of attacking the guilty wife.
577 That is what many natives have maintained in talking with me.
[683] Nevertheless, I have no knowledge of a present-day example. When this happened, the wife's family no longer took action against their daughter. Nor were they obliged to pay an indemnity, although their child had brought about the death. They simply had to acquit

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1. See A. Sohier, *Bulletin des Séances de l'Institut Royal Colonial Belge*, Vol. 6, 1935, 1, p. 60 and *passim*.

593^a 577 162 themselves of the usual and ordinary obligations incumbent upon them on the death of a son-in-law. Should this be taken as a kind of implied condemnation of suicide? [278]

593^a 578 627 626 The wisdom of the elders recommends to youth that they not let anger lead them to brutal acts even where, legally, it is permissible to use force. They do not act in such a way through a policy of adaptation to the present regime. Even before the arrival of the white men, they gave lessons in calm and self-mastery. For serious blows, wounds, and especially homicide could have deplorable consequences legally and even politically (war). They preferred recourse to punishments, such as abstention from food and the refusal of debitum conjugale, which although less violent, are not without efficacity. In that way they were also spared the vexation of in-laws, whose pity would be aroused by the wounds and bodily suffering of their child or sister.

576 593^b One thing that deserves blows or a good whipping because it is considered a serious failure in the fulfillment of the duties of married life is indifference and negligence in housework. A husband may safely deal forcefully with the situation, although he must first inform the qualified authorities. The following are some examples of such faults: the wife does not give the necessary attention to the kitchen, her children, the cleaning of the hut and court; she neglects her crops, does not go fishing, makes no attempt to obtain salt, etc.; in short, she does not give the required time and care to the tasks incumbent upon her. She herself, her children, and her house remain disgustingly filthy, her fields and banana groves are invaded by weeds and her pantry is devoid of utensils and food, while she wastes her time doing nothing or rather spends it running about the village, going to one woman's house, chatting with another, spending the better part of her day gossiping. The Nkundó does not put up with this sort of behavior, and no one can reproach him. Even other men and the woman's companions condemn [279] such conduct. Often the woman is ridiculed, and on occasion she may [524] hear unflattering comments such as bɔ́mot'ɔ̃w'asolɔ́, efufa gɛ́ngamaka, "a gossip, her cloth is to the side," that is, the interminable chatting

593 to which she devotes her time, sitting on a couch or a log, so oc-
578 cupies her attention that she is no longer aware that her narrow
834 garment is no longer in its proper modest position, and the gossip is
therefore exposed to shame and ridicule.

593 In addition to giving his wife a good whipping, the husband
also brings out his vocabulary of invective and sarcasm. The woman
578 does not run the risk of complaining, for she knows in advance that
she will be placed in the wrong. Nevertheless, the discreet husband
will not go too far. The elders suggest that the young people
moderate the violence of their expressions. For, they say, "a woman
is more sensitive to it than a man; she might go and hang herself
in the forest," lǐkinya ëyakóma lóí la nsónyi. "lǐkinya (the ant) will
[825] hang herself one day out of an excess of shame" (this is a reference to
the way this insect bites into a blade of grass or some other object
and dies rather than let go). "And above all," they say, "do not extend your insults to your wives' parents, for they could urge their daughters to leave you."

With respect to adultery, the punishments prescribed in Nkundó law will be examined below in Article VIII.

It is apparent from the preceding description that the Nkundó attach relatively little importance to the outpourings of loquacious eloquence characteristic of the weaker sex as long as they do not go beyond limits or degenerate into outrageous and ignominious insults. The elders teach youth to be calm in the face of these demonstrations of the declamatory art at which most Negresses are as adept as our fishwives at home.

[562] They say that a woman is like an elephant: bǒmoto ale
ó njoku. There is nothing to be done about her. It is futile [286] to
try and speak gently to her; she does not even listen. To impose
silence on her is impossible. To try and calm her, make her listen
to reason, is a waste of effort. It is the same with an elephant: He
[825] can perhaps be chased away with cries and noise, but he will destroy
the crops nonetheless.

The fact that a woman readily opens her mouth is not considered a sign that she does not love her husband. The Nkundó even

593 592 dare to maintain that a woman's speaking out about her husband is a sign of affection. On the other hand, a woman who instead bewails her lot softly and quietly saying, ngôya ákeke lôí l'ôm'ongó na?, ("mother, what shall I do with this husband?"), will not be with him long. Her complaint is chiefly egoistic, while the other seeks the good of her spouse and her household.

As we have already mentioned, the perfect punishment, and one frequently employed in ordinary cases, is a husband's refusal to eat food prepared by his wife or to wash with water she has drawn or boiled. It is a type of reprimand to which she is sensitive. The husband's aversion must not last too long, however, for it could lead to a breaking up of the marriage, more especially since in the end the woman would begin to suspect infidelities -- which do occur. [837]

The fact that Nkundó law does not allow the husband complete freedom and clearly limits his rights does not in any way exclude the occurrence of infractions. The mass of human beings is always inferior to the moral ideal imposed by legislation. But these provisions of Nkundó law do protect a woman against her husband's excesses. We have already cited the expedients available to her: abandonment of the home shared with her husband; legal apologies (bofondo), indemnity for injuries (liomba). In addition, a wife who has been wronged will abstain from foods (such as meat or palm nuts) given her by her husband and, even more important, will refuse to have sexual relations with him. And for our people this is a great affront. In order to re-establish a normal and peaceful situation, a husband often has to pacify [281] his spouse by means of a bofondo. In addition to the measures mentioned, a wife may of course use insults, of which every native has a rich and varied collection.

No one can condemn or reprimand a woman for abusing a lazy husband. If he does not go to the hunt and bring back game, if he neglects the building or repair of the house, if he is too much of a laggard, if he does not fell the forest to set up food crops, it is clearly he who is in the wrong, and he will find no one who will approve of his conduct and condemn his wife. If he turns out to be incorrigible, it will not be long before the marriage is broken, according to the axiom elóng'ey'ómoto ńk'okáfo, "the woman's victory is divorce." [586]

594 If a woman injures her husband during a quarrel he may not
593 retaliate, for she is recognized as inferior and weaker than he. The
577 husband's weapon is abstention from any food, drink, baths, etc., that she offers him. To re-establish peace she must pay a bofindo. Nevertheless, nowadays some impetuous men no longer like to observe these rules; they want to act with violence come what may. But they are strongly reprimanded by the old men, who maintain that it is unworthy of a man to retaliate against a weaker being. This traditional attitude of the Nkundɔ seems to me to indicate a sort of chivalrous nobility based on two feelings, justice and pride. It becomes more understandable when we know that similar conduct is
[565] expected with regard to Batswa, inferiors, and subjugated clans (baulɛ, sing. julɛ) in their respective spheres. (1) Thus a Booto may

1. See below, Articles V, VI, and VII, 4, B.

not apply the law of retaliation to a Botswa. Under certain circumstances, a julɛ clan may, with impunity, take what they please from the banana groves of the master's clan, etc.

Note also that it is very much out of place for a man [282] to strike his wife or punish her in any way in the presence of her parents,
[602] brothers, etc. In fact, this is a very grave offense. And, according to the code of honor, the brother (cousin, etc.) must pick up the glove and fight his brother-in-law to avenge the insult. In many cases the matter ends in a divorce. For such conduct takes away the combined feeling of modesty and embarrassment (nsɔnyi) that the two parties normally feel toward one another.

Finally, we must note that the various payments made as bofindo are included in the total amount of jɔngɔ or nkomɔ, respectively.

In order to more clearly illustrate the Nkundɔ attitude con-
593 cerning the relationship of husband and wife, it might be of interest to
599 cite a few proverbs pertaining to the subjects discussed above:

1) Basingɔ bakɔndaka wǎjɛ ɔ naka; Lomboɔmbɔ afɛndɛla Ntɔlɛ la nganja. "All the others slap their wives (but) Lomboɔmbɔ beats Ntɔlɛ with a stick." (This is a reference to a historical fact.)

593[x] 2) Otɔ́ɔ́n'ifɔ́lɔ́, wɛ̃ ɛ́k'onjembe, "If you do not put up with
591 excesses of speech (on the part of your wife) you (will remain) a bachelor." (Because this is an innate fault of all women, and it is not a major one.)

3) Ótámb'ɛ́mwa al'ɛ́ mbóka, "Do not answer the mouth, it is a road" (it has no end).

4) Bolɛ́ 'ɛ wãlɛ́, ótɔ́ɔ́n'ompɛ́lo, "A mean woman, you (nevertheless) do not refuse the warm bath (she has prepared for you)." (Do not attach much importance to her unpleasant statements. What are they in comparison to the services she performs for you?)

5) Ɛ́kí'm'ɛ́lámbɛ́lɛ́ la wɛ́li w'ɛ́kámɛ́yá, jaá ɔ̃ wãlima ɛ́lɛ́n'ɔnto ólangɛ́ ɛ́lambe bitɛ́ló botóá?, "When I prepared (the food) by moonlight, you were not satisfied; nevertheless (now that it is) dark and [282] you don't see anyone, you would like me to prepare six baskets?" (It is implied that the wife addresses her husband, who is dissatisfied with the food but nevertheless wants her to prepare more of it.)

6) Itɛ́lɛ́ lokɛ́mo ɛ́k'ɛ́m'aokolanga, "A little (food) basket is highly praised if your husband but love you." (Love appreciates even the slightest thing. Discontent springs from a lack of affection.)

7) Etuka lɛ́fɔ́ŋɔ, wãj'ɔ́ky'ɛ́wɛ́li, "A flashy widow, (but she is that way because she is) the wife of (another, who is) dead." (You criticize her; but don't you treat her like someone else's wife? Then what are you complaining about?)

8) Ɛ́nokumbɛ́lɛ́ wɛ̃ jwende, baíso ng'ɛ́hɔ́ŋɔ; ɛ́kita nd'ílombe, baíso ng'inkɔ́ni, "When a man takes you in marriage, (his) eyes (are) like (those of a) bɔŋkɔ́ŋɔ (a wild cat); you arrive in his house, (his) eyes (are) like (those of a) inkɔ́ni (a kind of frog with protruding eyes). (At the beginning of a marriage a husband is extremely obliging and kind; but after a while he puts on a sullen face and gets angry at the least provocation.)

9) Emangá liɛ́la, mpóló ɛ́kɛ́ngola, "The beginnings of marriage are honeymoons." (But afterwards . . . .)

10) Wãlí nd'ɛ́óko, wokɛ́nda wokɛ́ka, "A wife is a kind of material; strike her, cover her." (She is a delicate object; strike her when she deserves it, but do so with calm and a sense of proportion; hold the stick with one hand and cover her body with the other.)

Article IV

Relations Between the Wife and Her Family

585^a 614 Through marriage, a woman does not enter into her husband's family. She continues to belong to her own clan of origin and continues to submit to the special regulations [204] of her family (bokumo) (1) The bokumo pertaining to parturition is excepted, for

> 1. The bokumo are special regulations governing a given clan, particularly prohibitions against partaking of certain foods (animal or vegetable) always or only at certain times. The punishment for a transgression is a kind of itching which covers the whole body. One might think this is totemism, but the idea of kinship to the forbidden being is entirely absent.

because of the child she must observe the bokumo of her husband's clan in this realm.

593^A 594 Although the wife is completely dependent on her husband for everything else -- work, property, etc. -- she remains bound to her own parents by obligations of respect, love, and assistance. She has to visit them from time to time, but too great a frequency in these visits meets with disapproval. It is impossible to give a rule defining the proper number. The answer must be provided by good sense. Sensible people prefer that the wife not make too many of these trips. Even her own parents want this to be so. For repeated attentions of this sort are considered evidence of a lack of love and attachment for her husband.

[602 Women who very faithfully stay in their homes and only rarely visit their parents, sometimes yield in face of the teasing of their companions. For the Nkundó is very sensitive to spiteful comments of that kind. Among current expressions there is one that has become a popular saying and is sometimes sung during dances:

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574 Otswέkέ lifíla otswêk'olέ, bέόkolaka mbók'έy'olέ la ngom'a nkolέ, "If you are married go back to your parents, or you will be taught the way with drums and gongs," that is, "when you are dead." (2)

[564]
[645]
[574] 2. A woman is buried in her own native clan. Her corpse is transported there to the accompaniment of drums and horns. The lokolé gong announces her death.

593²
602 A married woman may not evade the duty of helping her relatives under special circumstances (pregnancy, illness, serious accidents, death). This obligation [285] is not limited to her mother and father, but extends to all her relatives; the closer the degree of kinship, the stricter the obligation.

Besides, love of family is sufficiently developed so that there is no danger of the woman forgetting herself too much in this realm. [626] And a husband who would like to prevent her from fulfilling these elementary duties would be much criticized by all and should expect a dissolution of the marriage.

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592 It was said above that a husband builds a hut for his wife. His relatives often assist him in this task. But it also happened -- in the past, for colonization has removed the possibility of it -- that the woman's father wanted to build his daughter's house himself or at least to make the pavement out of clay brought from her native land. This act was a demonstration of wealth and politico-social importance as well as proof of fatherly affection. The husband, for his part, was honored to have married the daughter of such an important man and loved her all the more. Thus a number of women say that "they only cooked on ancestral soil." This soil was brought in baskets across distances up to 50 kilometers by Batwa and by men of the woman's clan or village. Her father could do it because of his great influence and regal rewards (bokɔ́ndo, verb kɔ́nda) were distributed during a feast (ntɔkɔ) given for the workers and their relatives after the task was completed. This was done for Bompeli, daughter of Bokombe of Linfili (Bombwanja) married to Bonyeme w'enyuka of the Baséké Mbangó (Bonkoso); for Beluka, daughter of

573 longo of Bokɛ́kyɛ́ (Boselo, Bombwanja), married to Bokaa is 'Ifonda
574 of Bowɛ́lɛ́; for Mbalaka, daughter of Bo̱le̱ke̱la wa Imangaiso of the
342 Basɛ́kɛ́ Lokuli (Bongíli), married to Mbuli is'ea Wela of Bombɔ́ngo
556 w'Etefa (Bongale) (1) [286]

[551] 1. She bore the name of Mbɛ́laka (meaning indemnity), because her father had solemnly proclaimed (*-bɛ́kya*) and publicly promised that he intended, one day, to place himself in the position of having to pay an indemnity because of his daughter, as proof of his love. Indeed [782] when Mbɛ́laka was married, he killed one of his wives, cut her into pieces, and sent the "meat" to his son-in-law as "the first hen" that his wife would prepare for him. But he did not have to pay [682] [674] the indemnity because the victim's clan was too weak to attempt a war; they did not dare to make a claim and, in order to avoid even greater misfortunes, they resigned themselves to this revolting ignominy.

Article V

Relations Between the Husband and His Wife's Family

606 As has already been said, kinship by marriage is called *likilɔ́*,
607 and relatives by marriage are called *bokilɔ́*, *bakilɔ́*. *Mbɔ́tsolɔ́* is a term of respect for very close relatives by marriage (father-in-law, mother-in-law, sometimes brother-in-law or sister-in-law). When there is a considerable age difference between two affinal relatives, the elder one sometimes calls the younger *bokilɔ́walɛ́*. This happens most frequently when the son-in-law is so young that he can still be considered a child. This term can even be used by an elder brother

606 607 with reference to the young wife of his junior. (1)

> 1. The second component of this term is used by some Elinga as a synonym of *bokiló*. It should be related to *walé*, a term which among the Mbole and the Bakutu denotes a girl who is *bolómbé* or a woman who has just given birth (the same is true among the Ekonda).

The present practice is to exclude from among the *bakiló* these persons with whom marriage is permitted. They are more frequently called "husband" or "wife."

The opposite of *bokiló* is *bokanga*. The *bakanga* are members of the family that has received the bride price, while the *bakiló* are those who have paid it. In common practice the word *bokiló* is often used in place of *bokanga*, but never the reverse. *Bokiló l'okanga* is the expression denoting the whole group.

606 1. Father-in-law and mother-in-law

A husband owes respect, love, and assistance to his parents-in-law. This point is vital to harmony in the home. In this sphere a wife is very intolerant [287] of forgetfulness and even more of ill will. Offensive comments, insults pointed at parents-in-law even in their absence result in serious difficulties. Sometimes a husband expresses his bad humor or anger against his spouse in that way. This kind of behavior never wins approval, unless his in-laws first insulted him. The law of retaliation applies fully in this situation. The Nkundó say: *ôsawá mbóngó l'ôndamba olóngaka ńk'ôndamba*, "He who replies to evil comments is in the right, not the one who began." For a fuller discussion of this topic, see above (Article III).

606 577 43 To remain on good terms with his parents-in-law, the husband must visit them from time to time. By the very nature of things, his visits are less frequent than those of his wife. One reason why they cannot be too frequent is that the husband must bring gifts at each visit (*belanga*). One does not go to one's parents-in-law empty handed.

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431/ The extent of the riches brought depends on circumstances. Some greedy persons hope for large gifts if their daughter's marriage proves stable. Others prefer not to receive too much, lest they be required to give back an equal amount and -- if they are not especially wealthy -- thus find themselves one day in great financial difficulties. For the [583] *belonga* are added to the sum total of the bride price and must therefore be restored, should the occasion arise.

The parents-in-law do not allow their son-in-law to depart without giving him countergifts as a farewell (*belingako*). These take the form of hens and ducks, and their value is added to the total amount of *nkomí*.

Neither son-in-law nor parents-in-law like to see the generosity of the other party exceed their own, except in a few unusual cases. As a matter of fact, this is a very intelligent policy; equality is maintained on both sides, so that there can be no reproaches on the grounds of greed or stinginess [288], and if the marriage should be dissolved, it would be easy to re-establish equilibrium.

A son-in-law is expected to help his father-in-law to an extent which varies with the situation and with his means. He may fell the trees of the forest for him or set up a field, he may build him a house or make a hunting enclosure (*lokombo*), etc. A good son-in-law never fails to fulfill these obligations, and the father-in-law does not let him leave without having given him some present.

It is very important to a wife that her husband acquit himself conscientiously of these duties of visiting and assisting her parents. His failure to do so would lead to serious palavers and their usual consequences.

The father-in-law, for his part, does not fail to help his son-in-law in his various tasks. When the work is completed, the latter gives him a *bolingako* of a few copper rings, which are included in *belonga*.

The visits of a woman's parents to their son-in-law are more frequent. It is their way of showing their love for him and their daughter and their interest in the household. The visits can last weeks and months, whether only one or both of the parents come. If they stay too long, they are accepted with less enthusiasm. Gifts (*belingako*) must always be brought out when the farewells are said.

606 Even if the parents' union has been dissolved and the mother
574 has remarried, she does not cease to visit her daughter and son-in-law.
586 If her new husband seems not to agree to her going, difficulties result.
593 And if he does not change his attitude, his behavior may cause his wife to leave him in order to return to her first husband, the girl's father.

606 Thus, visits are accompanied by an exchange of gifts which
574 are belonga if given by the son-in-law, and part of the nkɔmí valuables if given by the father-in-law. Farewell gifts are belonga [289]
431 and part of the bride price if given by the son-in-law, part of the
585 nkɔmí if given by the father-in-law.

These same rules apply, mutatis mutandis, to various relatives on each side with respect to visits made, services rendered, and presents given on these occasions.

606 One very strict law regarding relations between son-in-law and parents-in-law should be noted: a man is forbidden to see the face of his wife's mother. This prohibition is scrupulously observed by all. He is allowed to see her face only once, at the beginning of the marriage, "to learn to know her so that they can avoid each other." If, for example, they meet while traveling in the forest, they must turn their backs to each other. Usually the woman turns her face toward the edge of the path to let her son-in-law pass. They greet each other by word of mouth, ask for each other's news, but do not shake hands or look at each other. It is funny for us to see a woman visiting her son-in-law. The two place themselves on each side of a partition or in two corners, and they talk in that way, asking for news, carrying on a discussion, etc., without seeing each other. Sometimes mother-in-law and son-in-law find themselves in each other's presence unexpectedly, in the forest or in the fields, without having seen each other approach or having been warned by anyone. They immediately turn their backs on each other; the man excuses himself and quickly disappears, even if to do so he has to plunge into a dense forest full of prickly and tangled creepers.

This law extends also to the husband's very close relatives, such as his younger brothers (who are also "husbands"), and to all

606 women called "mother," such as the mother's sisters and the father's wives. The law does not seem strictly applicable to these persons, but seems to cover them by extension. On the other hand, there is no comparable law with regard to a woman and her father-in-law.

606 578 A violation of this prohibition results in a great palaver, for it is considered a serious lack of respect. It may produce a serious domestic quarrel. [290] A wife will refuse to perform the conjugal act with her husband because he has looked at his mother-in-law. That is why people help each other by warning each other of the "danger" when their respective mothers-in-law arrive.

Compensation for the offense may be made by the payment of a bọọ́ndọ of several bakonga to the mother-in-law. As long as the payment has not been made, the wife will not fulfill her conjugal duties. After it has been made, everything goes back in order. If it is proved that the situation came about involuntarily, there is no palaver and no payment is required. Nowadays the best Christians tend to give a bọọ́ndọ once and for all to definitively settle any palaver that may occur in the future and to avoid the obligation of having to submit to this prohibition, since they are beginning to vaguely perceive its uselessness.

[557] A man is even forbidden to pronounce the name of his mother-in-law in her presence, even to address or call another person of the same name. In such a situation he must resort to a surname or paraphrase. Usually he addresses her as mbótsoló. An infraction of this rule results in the same punishment as if a man were to look at his mother-in-law.

606 If we ask the Nkundó to give us the reason for this custom, as it is so strange to our point of view, they reply that they are ashamed or embarrassed to see the women who begot their wives, and that to do so would be a grave offense to her. The custom is a means of expressing the respect a son-in-law owes his mother-in-law, and of avoiding unceremonious behavior or too great a familiarity toward her. That is all the explanation they give. For our philosophical turn of mind, it does not exhaust the subject. We are tempted to look for a connection between the intimate relations of the married couple and

606 the act of procreation on the part of one of them. Perhaps this idea is latent in the native mind, or at least is at the basis of this rule. The fact that this hypothesis applies only to the wife's mother-in-law [mother?] does not weaken it; for in native eyes [291] the other instances are entirely without importance. (1)

1. See, for example, Chapter II, Article X, and Chapter V, Articles II and III.

606 292 Another regulation pertaining to the mother-in-law requires that she -- and all the women who are given the same title in current usage -- may appear in her son-in-law's village only when dressed in a bolcleke. A bolcleke is a banana leaf, either green or dried, which has been torn in several places perpendicularly to the large [765] central rib, and constitutes the first and principal sign of mourning. Moreover, Batswa women must also dress in this manner before entering a Baotó settlement. The following reason is given for the rule in the second instance: a Botswá woman's dress consists of a lolímba, a belt of small braided ropes about 10 centimeters long. Although in ordinary positions the lolímba provides fairly good protection, it is not considered adequate to really stop all indiscreet looks. And it is popularly believed that if a Bootó sees a Botswá woman's genital organs, she will die. Might we conclude from this last explanation that there is a fundamental connection between the reasons that necessitate the wearing of a bolcleke in these three instances? Or is the mother-in-law to imitate a Botswá woman and thus show a certain subordination to her son-in-law?

2. Female relatives

607 837 As long as they are free, that is, as long as no bride-price payment has been made for them, a woman's sisters or cousins are considered by her husband as his wives, and he calls them so (baálí). This term is applied only to relatives of a generation below that of the true wife or to members of the same generation who are younger than she and with whom marriage [292] is permitted. It is therefore never

607 extended to relatives with whom marriage prohibited, such as nieces
837 who are banankɛnɛ, who are his wife's "mothers," (1)

1. See Chapter V, Article IV and the examples cited there (for instance, examples 25, 26, 17).

When such relatives of the wife marry, the situation changes. They belong to another man, and a continuation of the same practice as when they are single produces very serious cases of adultery. There are differences depending on the degree of affinity, however. In addition to the usual sanctions against adultery, other measures may be taken, especially the dissolution of the marriage. An especially serious case, but one which is more or less hypothetical, would be adultery between a man and his father-in-law's wife; a special feeling of shame is connected with it, and our Nkundɔ say that the two persons are like a Botswâ and his master. Misconduct with the wife of a brother-in-law (or cousin-in-law) is also a very serious matter. The latter may take his sister (or cousin) away from the guilty husband and thus break the marriage. The same applies to adultery with a nyangɔ̂ndilɔ.(1)

1. See Chapter V, Article IV and the examples given there (for instance, examples 25, 26, 17).

3. Legal matters

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685 Here we must examine the manner in which breaches of the law are settled between parents-in-law and son-in-law. It is known that among these peoples justice, in the strict sense of the word, is one of the most prominent aspects of social legislation. Theft is one of the principal causes for shame and was formerly severely punished. The thief, especially if he continued to repeat his offence, could be sold as a slave.

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685 If one of the wife's relatives were found guilty of stealing from his (or her) relative by marriage, or even from one of the latter's relatives, the family tribunal was assembled. Out of consideration for the ties of kinship between the thief and the wife and in order not to sadden her and her family, the guilty person was not sold as a slave. He was simply turned over to the woman [293] and her family, and they were told: "Here he is; he has been found guilty of theft and should have been reduced to slavery. Out of respect for you, however, we are not selling him; we are rolling (-kilimola) him toward you. Take him as bride price and add him to the sum of the bosóngo." Thus the matter was settled in a friendly fashion. If subsequently there was a divorce, the wife's family had to restore not only the bride price that had been paid but also an additional slave for the member of their group that the husband had yielded in this fashion. Thus, the transaction was not at all a fictional one.

Conversely, the same procedure was adopted in relation to a relative of the husband who had violated the rules of justice to the detriment of a member of the family related by marriage. But in that case the extradition of the guilty party was considered as the addition of a slave to the amount of the nkómí.

[579] Hence the saying: bokilɔ́ ntáwɛ́kɛ́ ndá ngondá éy'okanga, "a parent-in-law cannot die in the forest of his relatives by marriage."

The situation is no different nowadays. The only change is that, instead of giving back a slave if a dissolution of the marriage occurs, the equivalent value is paid in copper rings, etc.

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62 The same customs governed conduct toward prisoners of war. For instance, in the course of a war Eale became the master of Bombolo, whose cousin is married to Iloko, a close relative of Eale. Iloko interceded with Eale in order to obtain Bombolo's freedom, and Bombolo was sent home but was to be considered as bosóngo. The liberated prisoner thus was classed as a slave given as part of the bride price, as in the preceding case, and all the appropriate rules were followed.

4. Treason

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602 Treachery and treason between relatives by marriage were not unusual. The proverb says bomɔ́ng'ɔ́tulu nd'ókiló, "treason exists [294] chiefly on the part of relative by marriage." Not that this happened through any fundamental maliciousness apart from perhaps some rare exception. But in case of a war or particularly of a vendetta, relative by marriage did not hesitate to betray his in-law and thus send him to his death.

We shall limit ourselves to giving two case histories which are well known to the current generation. (1)

1. I do not know exactly when these events occurred. In any case they date back to the time of the Independent State and to the beginning of the occupation.

At the time when the Ingende post was occupied by the white "Itumbambíle" and that of Ilɔ́ngɔ by "Bosɔ́njɛ," some men from [266] Bofílɛ (Ilɔ́koma y'Ɔ̀elo, Bombwanja) surprised an inhabitant of Bokukɔ (wɛ̃ngatɔ), killed him, and ate him. Shortly thereafter Lokwa jw'Ɔ̀yelɛ, a man from Bofílɛ, went to visit his sister Efɔmɔ, who was married to Imbilɛ la'Ɛy'ɛnola of Ikanjɛ. It happened that the latter was a maternal uncle of the victim of the Bofílɛ men. Was Lokwa unaware of this relationship? Or did he trust his brother-in-law? Whatever the case he was well received. Nevertheless, Imbilɛ had not forgotten his nephew's assassination and went to inform his close kin of this good opportunity to avenge the murder. One evening they broke into the hut that had been placed at the visitor's disposal and found him there with his sister Efɔmɔ and his wife Lompoko. The [266] two women managed to escape, but Lokwa was taken, killed, and eaten. Naturally, his sister Efɔmɔ did not return to her husband, and there was no question of a restitution of the bride price.

The second case dates from the same period. Two Batswa of [266] Mbɔlanga (Etɔomɔle, Bongili), Bokɔ́ngo and Bolɔyengɛ, surprised Mbɔko Ilombɛ of Bofílɛ in the forest, killed him, and ate him.

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602 Some time thereafter, a man named Bengɔngɔ from the Ndɔngɔ village of the Bongili went to Bofilɛ to visit his sister Bosɛka, who was married to Eale ea Bofekɛ. The latter told him that the village was enraged because of the assassination of one of their people by the Batswa of the Bongili. He advised him to go [295] and hide in the fallow ground lest excited men come upon him and revenge themselves on him. He led his brother-in-law there himself. Therefore he knew the exact location of his hiding place and ran to betray him to the others. They encircled the fallow ground and easily found [606] poor Bengɔngɔ, who was pitilessly massacred and eaten. His sister Bosɛka never knew of her husband's treachery; she thought that despite all his precautions, the other inhabitants had discovered her brother's hiding place. (1)

[649] 1. We should not be too astonished that during that period the Europeans did not intervene in these wars, vendettas, massacres, and acts of cannibalism. They let the natives do as they pleased among themselves and demanded only that they leave them alone and render them services and tribute. They had other things to do in those times. The white men Ãmbɛ and Bainẽnkoi, of whom the natives still speak with respectful fear, were the first to begin punishing acts of barbarism in this region.

602 This hypocrisy on the part of the husband toward his wife and brother-in-law is due to the presence of two opposing feelings within him -- on the one hand, the love of his family and the feeling of solidarity which engenders hate and the desire for vengeance; on the other, love for his spouse. As these feelings are in complete contradiction with each other, he cannot reconcile them. But at least he can preserve appearances.

[536] This situation is referred to in the following proverb: bokilɔ ekwɔ̃kɛ, wɔ̃ngyaɛ eyalo, "If your bokilɔ has hidden you, change

601 shelters." There is another, which is cruder: bokiló tótowe nkέlέ: 559 bafumba bέlεka mbá, eté ńkolέkέ wε̌. "relative by marriage, let us go to the palm grove; the bafumba ants (Dorylus wilverthii) eat palm nuts; I will eat you." The following saying, applied to someone who is always trying to clear himself, is a more or less involuntary accusation: mpέi bokiló, ńtóla é mpóngo; mpóngo y'bokiló nsako ngá mbwá, "I do not eat my relative by marriage; on the contrary, I dip (food) in his fat; an in-law's fat is as tasty as a dog's." [296]

Nevertheless, a man never goes so far as to cause the death 602 of his sister's daughter's or other relative's husband. Or, as the 621 Nkundó say, one does not kill a person by whom one has been enriched. What is the reason for this distinction? According to our people it is the affection they feel toward their sister, daughter, etc.; they love them too much to pain them by taking away their husbands.

This treacherous and barbarous conduct is therefore directed by the bokiló toward the bokanga, that is, by those who have paid the bride price to those who have received it, but never the reverse.

Appendix

600 This appendix pertains to each of the three preceding articles. Therefore it may reasonably be placed here. It does not deal with any special law nor with a custom that is legal, universal, or common. It is concerned with isolated cases. But it seems to me that the few lines to follow are not without interest, since they give a good indication of the mentality that may be found among these people.

626 578 It may happen that a woman has a complaint or feels she has cause to be dissatisfied with one of her relatives, for example her brother. In her opinion he may not be sufficiently kind and generous toward her, or he may treat her in a manner she considers unfair. In a moment of anger she reveals her feelings to her husband and incites him to avenge her by injuring or even killing the one who has offended her.

That is what happened several decades ago to Bosela w'Empwεngε of Boléngo (Bongíli) (who died in 1932, a very old man). His wife Bomilé was very dissatisfied in that her brother did not give

62 her enough gifts. She addressed her husband as follows: bejwó bέkέ
578 ómomέlέ nkána, alekέ ompímaka tóma. "Your corpses (deceased parents), kill my brother for me, he always refuses to give me [297] presents. (1) Whereupon Bosela took his weapons and went off.

> 1. This is one of the most serious insults. But a person to whom it is addressed considers it a duty to take up the order or invitation made in those terms. It is a sort of forced oath, and it is called tέna ndaέ, afeya (tέnela) X ndaέ. These terms may apply to many other situations: a call for help during a war, assistance in inflicting an ordeal, assistance in the iloέ (society of those who do not observe funerary abstinence), etc. A person may address himself in this manner, and in that case the expression corresponds to our word "oath," "to take an oath."

Being a good psychologist, he made no mistake about his wife's personal feelings. He knew that he was involved in a dangerous impasse: if he disappointed his wife's expectations, she would be furious; on the other hand, if he took his brother-in-law's life, she would be even angrier. The thing to do was to resort to a trick. When he entered the forest he had the good fortune to come upon a boende antelope, which he slaughtered. He removed the liver and went home carrying this organ, still fresh and warm, in his hand. He presented it to his wife, saying, "Here is the liver of your brother whom you asked me to kill." There followed a violent scene. The woman, beside herself, began to weep for her dead brother, and in her anger she ran off, shouting at her husband: "Oh! You no longer love me, since you have assassinated my brother; you will not see me again." When she arrived at the home of her family, she found everyone going about their usual occupations; there was no sign of death or, more especially, of murder. Her astonishment increased

602 when she found her brother in good health and full of life. She
578 could not believe her eyes. In an instant the whole family was alerted and gathered together. She explained what had happened. They quieted and consoled her; they praised her husband for having behaved so intelligently. She was congratulated. For he could have done what she had told him, so she had reason to rejoice that he loved her so well and wisely. Thus, a few days later, she quietly returned to her husband.

An entirely different course of events, and a fatal one, occurred in the case of [288] Bokɛfea of Bompele (Bokótolo) who was married to Elɔngɔ of Boɔlá (both are still alive). The woman continuously went back to her family. Her husband, exasperated, threatened one day to kill her brother Eale; when he was gone she would be more inclined to stay home. He actually fulfilled his threat. His wife went into a terrible rage, but she nevertheless remained faithful to her husband. The bow used to shoot the murderous arrow has been preserved by its owner as a souvenir.

Article VI

Relations Between the Wife and Her Husband's Family

602 Naturally, a wife must be on the best of terms with her husband's family, with whom she is in continual contact. She owes respect to his parents and elders. If she does not manage to live in peace with them as well as with her husband's sisters, etc., the marriage will not last. Misunderstandings, disputes, squabbles, and, above all, insults and spiteful comments will force her to leave. Therefore, such contingencies can be put into the category of motives which lead the man's family to interfere in his marriage. There is a constant concern among the Nkundó to avoid the dissolution of the union due to extreme incompatibilities, because any break-up causes enormous difficulties, as we will see later on.

It is very hard to discern whether the small services the wife is expected to render her husband's family are legal obligations or simply requirements of social decorum. A momentary omission

602 brings forth reprimands on the part of the husband and his parents which obviously can easily degenerate into quarrels. If the omissions are so frequent and of such a nature that they can no longer be explained as simply forgetting, a whim, or a fit of peevishness, but [290] are taken to indicate spitefulness or vulgarity, the matter is [627] brought before the ndonga (who is often assisted by the family tribunal) or brought before the authority constituted by the woman's kin. If in spite of everything the expected improvement does not take place the break-up is inevitable.

The husband's father and mother extend the same affection to 606 their son's wife as they feel toward him. They consider her their own child, and it is not unusual to find that their love for the wife equals their feeling for their own son. She is only a relative by marriage, but out of affection for her they call her their child. She, for her part, does not use toward them the term bakonga (or bokilo) but [609] out of filial respect calls them "father" and "mother." Exceptions to this practice may be found, however.

606 If the father (and those who fall in the same category such as 224 uncles, elder brothers, etc.) kills a large game animal, he is expected to give his son's (or brother's, etc.) wife a piece of meat, whose size depends on the number of daughters-in-law he has and which consists of one or several chops (bohalaka) (1) and the piece at the nape of the neck (bonimbya).

606 Illicit relations between the husband's father and his daughter-835 in-law would be an unheard of crime. The same would be true with respect to any of the "superior" relatives. (2) The laws regulating

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1. Called liano among the Bolongo and the tribes of the Losanganya.

[178] [104] 2. Only the Bongi -- like the Elinga of the Losanganya -- allow relations between a brother and the wife of his junior, and they are already beginning to find imitators among their neighbors to the southeast, the Ingili.

[illegible] the relations between a wife and her husband's parents are closely connected with the rules pertaining to the prohibition related to affinity and seems to spring from the same source. Therefore it will be useful to have in mind what we have said in the preceding chapter, Article IV.

607 The husband's elder brothers treat his wife as their sister. The wife calls her husband's sisters [300] bakilɔ́, but out of respect she often gives them the title of "mother." (1)

[601] 1. Among the Elɔ́ngɔ́ the wife also calls her husband's sisters bongíli (pl. bangíli); they call her bɔ̌nongíli (pl. bɔ̌nangíli). A wife often calls her husband's mother nyangɔ́ngíli. Bɔ̌nangíli l'ɔ̌nangíli means "the brother's wives and their sisters-in-law."

587 After the husband's death, as has been said suo loco, his father or his brother may marry his widow. But this practice is not well regarded and is permitted only rarely, chiefly when the scattering of the family patrimony is feared or if the two interested parties have an unusual love for each other.

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642 With respect to children or younger brothers and all those who fall into that category, the situation is altogether different. Illicit relations with wives of their father, grandfather, uncle, elder brother, or elder cousin, are judged much less severely. Generally, misconduct does not give rise to claims for payment, or the payment is demanded "for form's sake" and consists of a hen and a bunch of bananas. By means of this payment the guilty one recognizes his error and renders homage to the right of his elder.

[illegible] In general public opinion condemns these relations and often with great severity. The question of degree of kinship as well as other considerations result in a great diversity among the cases, so we will examine each situation separately and distinguish each time between the husband's reaction and that of public opinion.

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593 A. A woman's misconduct with her husband's son does not result in the payment of an indemnity. Nevertheless, the husband who has been wronged takes action; he defends his rights and is enraged, whether the situation is very serious or not, and especially if he is monogamous. If he has several wives, he is more apt to pass over the matter, unless it involves his favorite. Sometimes he takes revenge by striking the guilty son's mother, taking her hens away from her, etc. But such action may lead to complications: [301] the brother of the woman so treated might intervene, and if the reaction of the husband who has been wronged is too violent or recurs too often, a divorce may result. In any case the father never hurts his heedless son's wife, since he loves her like his own daughter.

The father may apply a direct sanction against the offender by delaying the acquisition of a wife for him and refusing his blessings for his son's travels and undertakings -- still a serious thing in purely native society.

[578] Such relations are always greatly criticized by public opinion, even if relatives intervene on the culprit's behalf. The latter is disgraced as a result; he is mocked with the epithet etsónjóló, to which often is added the explicative phrase l'ófia banyangó b'ánkangá. Etsónjóló is derived from etsó, "masculine clothing" and, figuratively, "virility in the physical sense," and from bóló, "strength." Thus the epithet implies that the culprit is so virile that he goes so far as to unite even with his brothers' mothers.

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626 Marriage with the father's widow after his death is legitimate. Nevertheless, if the widow has left children, public opinion does not entirely refrain from judgment, and though the severity of the criticism cited above will be attenuated, it may still be heard. Such was the case of Yoká of Bokenyola (Bonjoko), which is well known in this region. He married Lokoká, widow of his father Imfilo y'Okátola and mother of Imfilo Antoine, present chief of the Bonkoso. (1).

1. With reference to the above-mentioned attitude, an exception must be made with regard to the inheritance of a widow by right

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> of seniority (she is then called bosfió --
> see Chapter III, Article III). The giving
> of a widow who is in the position described
> is preferably avoided.

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626 Illicit relations between a son and his father's wife are judged with especially great severity if the young man's own mother is still alive. He is reproached for his behavior in terms which are clear and crude: Ofíy'ôsangenya mbindo ĭkĭ la mbindo y'ĭsĭ ŏ nyangŏ, "you unite your stains (impurities) with those of your father and [287] mother"; Outé ŏk'okí wě wǒmbufisé, "you are returning from whence you came." To these expressions is often added ówa lóŏ ĕl olóki ilíŏka, "you will die because of your too great wickedness." To the [36i] Nkundó this last statement is a kind of curse, and if it is repeated by several persons it will not fail to have its effect. Or, to speak as our people do, if everyone greatly wails over and against this man, he will really die. (1)

> 1. This attitude of the Nkundó may be
> one of the reasons why widows are as-
> signed not to the son of the deceased, but
> to his brother.

If the son in question is not married, especially if he has already reached a relatively advanced age, and if he approaches the wives of his polygamous father, the matter is considered less serious. The latter cannot be too angry, especially when only isolated instances are involved; for other relatives will allow their affection for this young man to speak, since they are aware of his passion and therefore understand his temptations and follies. They would intervene to pacify the father and urge him to prevent the repetition of such occurrences by obtaining a wife for his son. In exceptional cases the family council may even judge the father to be in the wrong because of his hardness toward his son and may allow the latter to take his father's wife away from him (never, however, the first wife, the favorite, or the bolúmbu); such was the case we described in

587 626 Chapter II, Article XI, 2. But such a situation is far from ideal in Nkundó eyes and is permitted only if, on the one hand, the son ardently loves the woman and, on the other, if the father is too slow in obtaining a wife for him.

587 608 Here then we observe a conflict between two feelings: a husband's jealousy and the affection of a father and various relatives. That is why it is difficult -- as in many situations -- to draw the line between what is permitted and what is forbidden. From what has preceded and from the general explanations given by natives, we can conclude, however, that: [303] 1) relations between a woman and her husband's son are forbidden and severely judged, but with much more leniency than in the case of "superior" relatives; 2) the [597] father may not go to extremes in repressing misconduct nor ask his own son to pay an indemnity, since to do so would be to enrich himself through his child's misbehaviour, and the latter would have no means of paying him except through him or his mother's clan -- and it would be very unjust and inappropriate to force him to have recourse to the latter.

595 587 607 B. A younger brother calls his older brother's wife wǎli, or wife, and she calls him bóme, or husband, because they may marry one another. Therefore adulterous relations may also be found among them. But in practice some distinctions must be made.

If the younger brother is not married and the elder one has a harem, -- a state of affairs which was very common in the past but today is very rare -- the situation is analogous to the one described above in relation to a father's wife except that there is greater indulgence toward the culprit.

If the elder brother is monogamous and the younger brother a bachelor, relations of the latter with the former's wife when the husband is present are forbidden. If the younger brother nevertheless yields to the temptation, he is condemnable. The husband may not claim an indemnity. But in revenge he may procure for himself a "make-believe indemnity" (nyongo eá bolibandja) by felling one of the culprit's banana trees, taking away his chickens, moving his hut, taking some other similar action. The purpose of these acts, according

593 to our people, is to inspire the young man with a little more respect
627 for his elder. The latter may not go to extremes, however, (as for
837 example by fighting his younger brother), for fear of being censured
for a lack of brotherly love. (1) Besides, the valuables with which he

> 1. A slight brotherly punishment is not taken seriously, particularly if the younger brother is considerably his junior; it is permitted, especially where the younger brother has erred repeatedly.

obtained his wife [304] belong in one sense to both brothers. If the two brothers have different mothers, the elder has many more trumps in his hand. And if in addition his mother's clan has provided the entire bride price or a major part of it, he would win his case entirely as regards the indemnity, although the duty of brotherly love, and therefore of leniency, would still remain. In the case of isolated misdeeds there must always be this leniency. But if the misconduct is frequently repeated, the culprit's excuses no longer carry much weight.

If the younger brother, too, is married, the matter takes on a totally different aspect. Since he has a wife of his own, he no longer has any excuse for satisfying his passions by adulterous means. It is true that the injured husband is still obliged to moderate his anger and its manifestations, but he can obtain more financial satisfaction. The indemnity he claims, however, must be added to the guilty wife's bride price; for it is inconceivable that he enrich himself at his brother's expense. If he himself obtained his brother's wife for him, he may take her away and give her to another brother, cousin, etc., or even take her for himself, in spite of the impediment of affinity. However this is an exceptional case and only applied if the misconduct has been serious and repeated and the culprit has taken an insolent attitude.

If the husband is not present, because he is on a trip or the younger brother has met his sister-in-law while she is staying with her family or traveling elsewhere, the younger brother is entirely free

595 to have relations with her. If the woman refuses to have relations
601 with her brother-in-law, the latter often reports her ill will to her
587 husband, who will reprimand her or even strike her because she does not love his own brother, and will accuse her of having lovers: *[illegible]*. Since there is more affection between brothers born of the same mother, the husband's anger would then be even greater. A lack of affection on the part of his wife arouses her husband's suspicions on the question of her fidelity because Nkundó women are extremely ready to yield to temptation. [301] Therefore if she refuses her own brother-in-law-husband, she must be obtaining satisfaction elsewhere. This reasoning may be false, but it is based on a frequency of cases. The husband's attitude does not show a lack of jealousy; on the contrary, it proves its existence.

If the younger brother meets his sister-in-law in the home of her family, they will intervene on his behalf. They will tell her to receive "her husband" well, to prepare food for him, to clean the hut set aside for him. They will even force her to cohabit with him for the entire duration of his stay in their village. By this means they seek to avoid palavers with their son-in-law. If the woman's antipathy toward her brother-in-law is so great that she cannot be made to submit to him, they sometimes give their visitor another of their daughters (or cousins, etc.), younger than his brother's wife, to perform wifely duties for him.

All those designated as *baleki* in Nkundó terminology fall into the same category as a younger brother (thus younger male cousins are also included). The seriousness of the conflict that may arise on this question and of its consequences vary in proportion to the degree of kinship between the individuals involved.

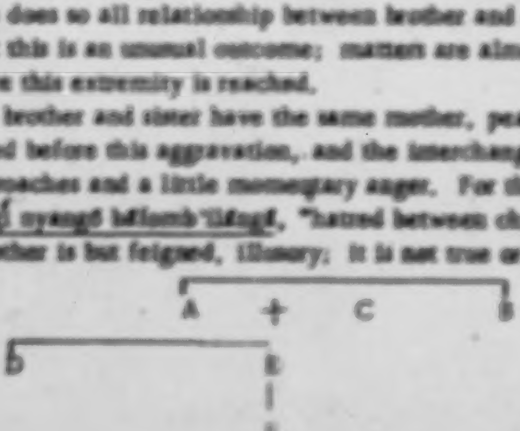
[illegible] C. The position of a nephew ([illegible]) in relation to his
[illegible] maternal uncle's wives is to a great extent comparable to that of a
[illegible] son in relation to his father's wives. The fact that marriage is effected
[illegible] through the payment of a bride price gives the nephew greater
595 freedom; for the uncle was enriched through the marriage of his

604 nephew's mother. There is no question of indemnity, except that of
137 "respects," to show the nephew's submission, and it consists of a hen and
596 a bunch of bananas. If the nephew refuses to make this gesture of
593 deference and submission, he is considered in the wrong and the entire family gangs up on him in order to save the authority and hierarchy of the family. "You are offending your uncle," they say, "no doubt you want him to die so that you can take his place and profit from the inheritance." And the offended uncle, after being patient for a few days, may demand a real indemnity. [306] But then other considerations become involved, and a new situation is created.

Actually, the young man's mother often -- though not always -- takes his side and turns on her brother. Two situations may arise:

1) The nephew's mother may not be born of the same mother as the uncle. In that case she seldom refrains from intervening on her son's behalf. She reproaches her brother for his hardness and his lack of affection for her, especially if the adulterous wife is her nkita, that is, if she were acquired by means of the bride price paid for her. She will say, "To whom do you owe this wife? And yet you demand riches from my son. Give me back my bride price, so that I may get him a wife." The uncle also gets angry, and sometimes accedes to his indignant sister's request and returns her bride price. If he does so all relationship between brother and sister is broken. But this is an unusual outcome; matters are almost always settled before this extremity is reached.

2) If brother and sister have the same mother, peace is always re-established before this aggravation, and the interchange is limited to a few reproaches and a little momentary anger. For the proverb says, bŏsangí nyangó bólómb'ilángé, "hatred between children of the same mother is but feigned, illusory; it is not true or real."



601 An uncle (see D above) is not entirely free to cure his nephew's
137 (F') passion unless he is the nkóló of his sister (E), that is, unless the
576 mother (C) of his sister (E) is the nkita of his aunt (B), [307] who is the
579 sister of his father (A). Indeed in that case his sister may not complain, for she owes him respect and submission; her subordination to her brother and master is greater than the gratitude he owes her for any riches he may have obtained through her or on her account.

D. In the case of the relationship of a grandson (bonkáná) to
603 his grandfather's wives, his freedom is, in practice, complete. Actu-
137 ally, among the Nkundó the affection of a grandfather (nkóko) for his own grandson often exceeds his love for his own son and completely degenerates into weakness. (1) The grandfather puts up with all his

1. As happens very often also in Europe.
See Chapter I, Part 1, Article I, 3.

grandson's carryings-on, his whims, all his teasing, his insults, etc.

After illicit relations the grandson sometimes carries his insolence so far as to spontaneously send his grandfather a "mock" indemnity in the form of a basket filled with stones in the place of copper rings.

606 Although the grandfather treats his grandson with good humor,
603 public opinion does not favor the latter's conduct, though it is more
137 lenient than in the cases described above. The public reaction, as well as the sending of the "mock" fine, shows that in principle these relations are censurable and condemned. Because of present circum-
[78] stances, particularly marriage at an earlier age than in the past, the age difference between a grandson and his grandfather's wives has increased considerably in the constantly growing number of cases, and their relations have proportionately decreased. (2) [308]

[116] 2. We have seen above that other Nkundó tribes are even less strict in these matters. On the other hand, the Ekonda, a Nkundó group living on Lake Leopold II, have a

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> higher morality -- in our terms. Among them the question of relations between a woman and her husband's son, younger brother, etc., does not even arise. Have they been influenced by some neighboring tribe? Or must we attribute the inferior morality of some of the tribes in this respect to decadence.

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The following conclusions emerge from this long description:

1) Relations between a man and the wife of his son, younger brother, etc., in short of anyone inferior to him in the family hierarchy, are always strictly prohibited and never occur.

2) They do occur on the other hand between an inferior and the wife of his senior and superior. The degree of kinship between the husband and the culprit plays a considerable role in determining the seriousness or triviality of an infraction, the sanctions applied, and the various consequences. Some relations are accepted, others are censured with varying degrees of leniency, still others are pitilessly criticized.

3) In these matters a distinction may be made between two aspects:

a) the husband's reaction and the repression of the illicit relations;

b) the judgment of public opinion;

or:

a) the financial aspect;

b) the moral aspect -- to use that term for want of a better one.

Sometimes a third element comes into play, namely the intervention of the family on the side of the culprit against the injured husband who, for one reason or another, is in the wrong himself.

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a) The usual sanction for adultery is, for the man, an indemnity to pay. But such a payment cannot be made since no financial transaction -- strictly speaking at least -- may be made

602 837 684 within a group of close kin; seeing that, from a certain standpoint, property belongs to all the members, each sooner or later receiving or inheriting from the other. But in cases where other sanctions can be imposed, they are considered legitimate. [309]

626 837 682 b) Except in the case of relations between brother and sister-in-law -- within the limits described above -- public opinion is severe in its judgment, even more severe than for ordinary cases of adultery, although because of the more tangible nature of the sanctions imposed against the latter, these seem on the surface to be considered more serious; many natives even have that impression. Or at least that is the first impression that spontaneously comes from their explanations; currently, they stress the indemnity, and in their accounts of ancient proceedings and violent sanctions, they forget the other aspect. Others do not distinguish between the two sides of the problem, or distinguish between them only very poorly. Only in going to the bottom of things do they -- like ourselves -- become aware of the two aspects and the importance of not confusing them.

The leniency we observe in certain cases on the part of the interested parties who have been wronged, and sometimes on the part of public opinion, does not seem to us to have been explained as a leniency based on principle nor as a legitimation of these relations (except in the case of brothers within the limits indicated). They seem rather to spring from the affection they have for the culprit, their sympathy for his condition as a bachelor, a certain community of interests, and finally from an evaluation of certain other elements that may be involved (such as a fundamental jealousy in the case of brothers).

602 181 The great distinction made by the Nkundo in this realm as in others between inferior and superior relations is based on their conception of authority, which is patriarchal, therefore paternal. What is involved is not so much a fear of power as a reverent awe -- although the first should not be excluded. In their eyes an inferior does not exist for the benefit and advantage of the superior, but the reverse; authority exists for the good of the inferior, who to preserve hierarchy and order must submit to the [310] superior. The superior's duty to help his inferior (in his difficulties, his palavers, his poverty),

to be liberal and generous toward him and therefore to make goods available to him, to be lenient in matters concerning justice and property and obliging in conjugal matters -- as long as the principle of authority remains secure is based on the same idea. The exploitation of an inferior by his superior is entirely contrary to the basic nature of Nkundô authority, while the reverse is entirely in conformity with it. (1)

1. This attitude may account -- at least to some extent -- for the liberties that the natives readily take with the European, their superior or master, such as domestic thefts, inappropriate requests, the kind of begging and lack of respect for authority that we are accustomed to seeing, etc.

Article VII. Adultery

For the Nkundô, adultery is an illicit union between a man and a married woman. From the moment the ikulâ is paid for a woman, any relations with her by a man other than the husband-to-be are considered adulterous.

1. Terminology

There is no exclusive or specific term in Lonkundo by which our word "adultery" may be translated. There are a number of words in the language which are only partially equivalent to it.

1) First of all, the Nkundô speak of [illegible], a term denoting steady and continuous relations with a woman who is a complete stranger, that is, who is not related in any way. The word designates the relationship as well as the persons involved. This type of adultery is also called a [illegible] (from the verb bomba) -- that is, a secret, as against a true [illegible] (which will be

837 discussed in the next article). The Bombwanja, the Ionda, and the Injɔlɔ call it lɔ́ngola, "(any) act performed in hiding" (from the verb ɔngola). The Ionda also use [311] the term ekundɔ (from the verb kunda, "to bury), which refers to "something that is buried or hidden under a heap."

Nowadays there is a tendency to apply the term linɛmbɔ, without any qualification, to adultery of this sort, at least if it is not limited to a single act. The woman and her lover are both called bonɛmbɔ (pl. banɛmbɔ).

2) If only an isolated act takes place, it is called yɛ́tɔ́ (from the verb ɛta, "to call"). But this term may also be applied to unmarried persons. Strictly speaking, it denotes a single union and not continuous relations. Certain tribes (the Injɔlɔ, the Ekɔngɔ) also have the word elongo (for instance in the expression nyongɛ'elongo, "indemnity for a single instance").

3) The term lonkɛ̂na (bonkakɔ among the Bombwanja) designates adultery between persons belonging to a single exogamous entity and, by extension, between persons belonging to different families but comprising a single settlement.

As the word itself indicates, the relations involved take place between "cousins" in the broadest sense of the term.

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192 The natives gave me an account of the etymology of the terms bongombe and lonkɛ̂na, which it may be useful to repeat here. They are believed to have been invented by fickle wives and their lovers in order to hide their illicit love affairs. Even of old there were relations between the Nkundɔ and the Ngombe. A Ngombe who appeared in a Nkundɔ village was the object of the curiosity of all the young people. A man going to his paramour (or vice versa) or coming back at a very late hour could reply, if suspicions were aroused, that he had been to see the Ngombe. The same trick could be used in a case of lonkɛ̂na. I am passing on this explanation for whatever it's worth -- (for lonkɛ̂na, for instance, the etymology I cited at the beginning seems a good deal more natural), [312] it may be of interest at some time to have it noted and preserved in writing.

837 [196] 4) To indicate a tendency toward adultery (especially on the part of women) the Nkundó use the verb *fâloka* which literally denotes clothing that is too big and that flies in the wind. The noun *loyó* or *boyó* is also used.

The verb used for discovering a case of adultery is *tɛmbola*, the noun is *ngmbɛ*.

Occasional or permanent adultery has always been very common. This fact is undoubtedly due to the relative ease with which it is possible to escape discovery and consequent sanctions. A woman [574] going to visit her family cannot possibly be followed or watched by her husband; the distances make such surveillance difficult and, furthermore, it would have disastrous consequences for the stability of the marriage, since neither the woman nor her family would put up with it. Other partial causes are lasciviousness, polygamy, etc., as we will see later in the text.

2. Gifts

837 431 [462] An adulterous man and woman send each other presents; his consist of meat, arrows, etc., hers of food and various small objects. A woman's gifts to her lover are called *botfimo* (the noun used with the verb *tumba*, "to make burn" (1). Very young relatives generally serve as intermediaries. Note that a woman rarely sends her son, for she has reason to fear that the gift would not reach its destination; the boy would give himself a treat with it. She can have more confidence in a daughter.

A man's gift is called by the generic term *ngandó*, "a gift that is sent, a dispatch." [312]

In isolated cases (*yémi*) a man sends an arrow, some small object, beads, meat, etc. Nowadays money or cloth have been

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1. Note that the noun and the verb are not etymologically related. Perhaps *botfimo* might be related to *ɛfima*, "to show, to designate." The Ekonda call this gift *elika*. See Chapter II, Article I.

837 431 substituted for all these items. As a rule the woman demands some remuneration although there are exceptions, which may be frequent or rare, depending on the region and on the nature of the persons involved. They are due to extraordinary passion or to the woman's love for her lover. (1)

1. See Chapter I, Part 1, Article IV.

3. Evidence of adultery

837 684 The strength of the evidence may vary.

1) The strongest evidence is finding the couple _in flagrante delicto_. No objection will hold up against it, and it constitutes for the application of the severest sanctions. The act must be observed by the husband. The testimony of a third party is never introduced. If another person discovers the adultery and favors the husband, that person will inform the latter so that he can take precautions in order to catch the culprits personally. If it is discovered by the woman's father or other close relative who favors the husband, [602] he informs the latter and, if possible, calls him to witness the infraction himself. If he does so, the husband must give the indemnity to his father-in-law. This is not a legal obligation but one imposed by good relations and decorum, since the father-in-law has shown good will and affection toward his son-in-law.

2) A wife's admission is almost as important and always decisive. Such a confession mitigates her husband's anger toward her and directs it chiefly toward her accomplice. Therefore most women do not hesitate to denounce their paramours if they feel somewhat cornered. (On the other hand, women never denounce each other.) [214]

3) A third form of evidence can be obtained by surprising the lovers while they are planning a meeting. The husband can accuse them on the spot and try to extract a complete confession from his wife on the subject of the past or the future. If possible he assures himself of the co-operation of witnesses. If he foresees a denial on his wife's part, he lets the occasion pass and looks for a good opportunity to surprise the culprits in the act. Regardless of the

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684 wife's inclinations, a husband often will not intervene at once; he will give no sign of what he has observed but will skillfully seek an opportunity to observe the pair *in flagrante delicto*, so that he can take more violent action. This approach is absolutely necessary if he has nothing but suspicions, even if they are well founded. To act otherwise would not have great results and would show a lack of judgment -- often true of young, inexperienced husbands or ones with too irascible a temperament. An intercepted message bearing an invitation or an acceptance has the same practical value.

This form of evidence is weaker than the two preceding ones -- unless these are added -- and justifies only certain sanctions.

4) The sight of lovers giving gifts, either from hand to hand or through an intermediary (" with so-and-so's compliments") also has its value as evidence. But here again the best approach is to use this evidence as a means of obtaining the wife's confession. That is the only practical value of discovering gifts in the wife's possession. If a wife finds no explanations that will pacify the husband, she is forced to admit the act and denounce her accomplice.

4. Sanctions

684 Nkundó law includes several sanctions against adultery some of which are applicable to the spouse, some to the accomplice, and some to an intermediary (*ekínd*). There are differences [315] in the application of these sanctions depending on the gravity of the case (for instance, repetition of an offence or a habitual offence), the inclinations or temperaments of the persons involved, and the value of the evidence. Although the sanctions are legitimated by law, most of them are applied at the spouse's initiative; but in some instances the authority of the family as well as that of the *nkonga* have to be involved. Therefore the following varied situations should be pointed out:

A. *A husband's sanctions against an adulterous wife.*

a) In the case of a *delicto flagrante*, the husband may beat his wife, wound her, and even kill her. Neither she nor her family have the right to complain. If he kills her he is no longer entitled

684 [illegible] to a reimbursement of the bride price, any more than if she had died of natural causes. In past times death under these circumstances usually resulted in a war between clans. But this extreme situation actually arose only very rarely: if the man was excessively jealous and had other wives or the means to obtain them, or was embittered by persistent and incorrigible infidelity. Most frequently a husband's foresight of the loss he would sustain, in the last analysis keeps him from such drastic action. He limits himself to beating or injuring the culprit or to applying other forms of chastisement or punishment (see below under b); see above, Article III, 2.

If the husband has sufficient evidence, of the sort described above, but has not caught the culprits in the act, the wife can expect a good whipping, accompanied by a whole string of vulgar expressions and assorted insults (femina foetidissima, tempore menstruationis putor tuus venit in nares omnium hominum, etc.) as well as a heap of obscenities pertaining to the female genital organs. The husband who acts in this manner is not reprimanded. On the contrary, he acts thus out of jealousy: our Nkundo say that his anger is an anger of love. [578] [illegible]

In these punishments the Nkundo above all recognize the exasperation that springs from legitimate jealousy. That is why the husband acts on his own initiative. Besides, when he [314] finds himself confronted with the fact it would be psychologically difficult for him to calm himself first in order to go and inform the nkonga.

It was extremely unusual for a man to kill his wife calmly and deliberately. Such a thing happened only if her infidelities were continuous and she had erred in many other ways as well. And even then this conduct was found only in certain extremely cruel families. It was known that Iloko la Ôkongô and Bongbogô byâ Kundô had acted in this fashion; both were members of the Bongili (Bosamakô), a family which, in its songs, boasted of eating their own wives.

b) Tortures. The husband may also have recourse to several types of torture. Most important among them are the following:

1) The esika, which is the standard torture so to speak. It is a heavy wooden fork which is attached to the neck. It prevents

[i.e., a husband's killing his wife for adultery, obviously.]

[41] movement and therefore serves as the Nkundó prison. But in addition, if it is applied for a long time, it becomes a real torture; the skin becomes painful and comes off, inflammations readily appear, and bugs sometimes lodge there.

As soon as the woman's family hears (through the *ndonga*) that she is being so tortured, they often come and beg her husband to free her. [576] To pacify and propitiate him, they offer him an *ad hoc* payment, that is, a *bofolo* of a few copper rings. Generally, he yields to their entreaties. A good relationship and his respect toward them require that he not remain indifferent to their supplications, especially as he needs them for the stability of the marriage and the good functioning of the household.

2) *Bokengamaye*, or handcuffs, which consist of sticks attached either to the wrists or to the ankles (to prevent walking), or to both arms and feet. Two sticks were used, one above and one below, with the limb placed in between, and they were tied with ropes that were attached and fastened in notches made at [217] each end of the sticks. In rare instances the wrists were bound. To increase the pain and immobility, the ropes were shrunk and hardened by pouring water on them. These handcuffs were generally added to the *ekiko* and were never applied alone.

3) *Exposure to the bites of nkongólo ants*. [596] In the region under discussion, I have never heard the people speak of exposure to *bafumba* (*Dorylus*), or even to the venomous *bendólolofe*. This fact contrasts with the practice of other Móngo tribes and with the content of certain legends (evolution?).

4) *The pouring of water containing pepper* into the vagina. Sometimes the genital organs were rubbed with crushed pepper.

5) *Exposure of the sex organs to fire*. A burning log was held near them.

The last two types of torture were the most dreadful.

We can add one last form of punishment which is derived from the same legal rules, although it is not a torture:

6) *Nudity*. [596] The husband tears off the guilty woman's garments and thus exposes her to public shame. Even if she resorts to using leaves, no one mistakes the situation, and her shame is only partly reduced.

684 Any of the types of evidence listed above is sufficient to
578 legitimize the application of one or another of these penalties.
[illegible] Nevertheless, the husband is required first to notify the older mem-
593 bers of his family and the nkonga, who do not permit him to act unless the misdeeds have occurred repeatedly. The readiness to accord the husband permission depends on the temperament of the interested parties and on a great many circumstances, the most important of which is the respective social prominence of the parties involved.

The need to ask permission of the "fathers" and the nkonga, which we have already encountered in reference to other situations (above, Article III, 4), does not weaken the husband's rights [218], but it limits their use. It is not a legal obligation but one that is imposed for family reasons, which are as follows:

1) The respect due to the "fathers" in this as in all important matters;

2) The respect due to the nkonga, who in marital matters is the husband's superior and whose intervention must be called upon in any serious situation;

3) The repercussions of any inconsiderate or rash action on the entire family (enmities, wars, etc.).

If forbearance and patience are fruitless, no one can blame the husband any longer. And when the woman's family compares the censurable conduct of their daughter with the generosity of their son-in-law, they will naturally be inclined to find that he is in the right and so usually will not intervene against him.

Note also that the Nkundó invoke the need to maintain their honor as justification for the obligation to notify the authorities. They must be able to inform the unfaithful woman's clan and thus safeguard their good reputation as defenders of order and public peace.

684 A woman whose husband loved her very much was subjected
593 to the esika only. He would reprimand her and strike her, and would try to correct her behavior by means of gentleness and leniency.

As we will see suo loco, a husband who is exasperated by the incorrigible infidelity of a wife whose [illegible] of other widely

586 dence is also unsatisfactory, may sometimes resort to divorce or to
[illegible] selling her into slavery, but rarely to killing.

Colonization has abolished torture, slavery, killing, and the
684 legitimacy of assassination. A husband has no other sanction against
178 an unfaithful wife than to insult and beat her. And even there European law forces him to restrain himself lest he commit excesses which [319] involve him in a trial before the white man's court. Fortunately for marital fidelity, a reaction in favor of the repression of adultery has recently begun, following the official establishment of native jurisdiction. In the not too distant future, this reaction will culminate in a return to ancestral law in a form adapted to present circumstances.

B. Against the accomplice, the injured husband has the right
684 to make use of two sanctions: violence and the payment of an
576 "indemnity."

1) If the husband catches the accomplice in the act, he always has the right to wound him, or even to kill him, or reduce him to slavery. The last two forms of vengeance were not practiced unless the respective villages of the husband and the culprit were fairly distant from each other and not bound to each other by any special ties (friendship, mutual assistance, or affinity). This reservation existed because of consideration for the offender's relatives, the desire not to bring them excessive sorrow. Another cause for caution and calm is the economic or military inferiority of the husband's clan, or the fearlessness, the valor in battle, in a word, the strength of the culprit's family. A special case which makes all other considerations disappear is adultery with a favorite, whose husband's love for her is especially passionate and jealous.

If the offender's adultery was not limited to a few isolated acts but was becoming a real habit, or if he had already seduced many women, resulting in many palavers for his family, the husband could be bolder. For the latter's clan too would finally be exasperated with his incorrigible and disastrous misconduct and would rather be rid of him. (1) [320]

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1. See also Chapter VIII, Article II, 2, A.

467 The risk of being wounded, reduced to slavery, or killed, often cools the adulterer's passion. Therefore, the more the husband showed that he was fearless, violent, physically powerful, or of a high social position, the more his wives and their lovers were on their guard. Certain men were so jealous of one of their wives and so determined to take vengeance with extreme severity that the tempters did not even dare to think of approaching her.

2) The payment of an indemnity seems to be the standard sanction. It is the only one that remains legal at the present time; consequently it is coming more and more to the fore.

Any of the types of evidence examined above justify the claim for an indemnity.

The indemnity may be minimal, consisting of 2 to 5 copper rings, or heavy, going up to 20 to 30 rings or a slave. The maximum is always demanded for adultery with a favorite. The size of the payment depends on the persons involved, the relationships that bind them, the frequency of misconduct, and the nature of the action observed. For instance, if the husband catches the couple when arranging a meeting or exchanging gifts, the indemnity will be small; if, on the other hand, he has caught them *in flagrante delicto*, it will be high.

[illegible] A man who demands a high indemnity must expect to be treated the same way should the occasion arise. The application of the law of retaliation in that case is fully approved by Nkundo opinion.

[illegible] In addition to the situations examined in the preceding article, there exists another which does not result in an indemnity claim. It arises if the culprit belongs to a class of slaves or is in some other way subject or inferior (*[illegible]* or *[illegible]*). (1) Even

1. Strangers who are settled with a tribe or group but are in no way related to them.

if the husband catches the culprit in the act, he politely asks him to go away and leave his house [321] and his wife: *[illegible] [illegible]!* Here is true Nkundo courtesy in practice. It might

586 certainly happen that a husband who was too jealous or impetuous
527 would wound, kill, or sell his rival. But this was an exception and was always condemned since it was absolutely lacking in chivalry. In any case there can never be any question of demanding an indemnity; such an act would be absolutely shameful.

The culprit is notified of the demand for an indemnity by
685 the ndonga, who in difficult cases is accompanied by various
594 notables. If the husband foresees strong opposition on the debtor's part, he gives the ndonga a special present of a bunch of bananas and two fish (or a hen) "so that he would not be forced to eat the rival's food."

A persistent and categorical refusal to pay the indemnity is
674 unusual. For it can have serious consequences: the taking in custody followed by enslavement because of debts, or [the taking of] compensation in the person of his wife or of a relative, or the retention [by her relatives] of a relative of the creditor who is married into the debtor's clan (ilifaclo). Since these practices of taking hostages and of bodily constraint have been abolished, there remains the intervention of the courts, seconded by the police.

What is the Nkundo idea of this payment which we have called an indemnity in order to facilitate its description? The question is difficult to answer. Here are the linguistic facts which may provide elements of the solution:

The payment for adultery is called nyongo, and the word is
571 used together with the verb ka, "to give." The expression is equiva-
572 lent to the verb lingola fita (from which the noun bofito is derived). It signifies "payment" in the broadest sense and thus also covers our words "pay," "salary," "remuneration." In addition to its application in the case of adultery, it is also used in many other situations, such as remuneration for work, payment for a service, etc. Nyongo does not mean "compensation," which is called lowefila, nor "a payment making amends [373] and apologizing for an offense," which is bilolo, nor "indemnification" (mbfiaka). What the expression has in common with the last term is the concept of a

[illegible] payment rightly owed, and in the absence of an adequate translation, "indemnity" is still the least inaccurate. (1)

[illegible] 1. The words used for "reward" are *bokóndo*, which is a reward for an unusual service, like the capture of a leopard or another "royal" animal (*nyam'ĕ'ekofo*, such as a python, an eagle, etc.) or a beautiful dance, and *mbuteji*, which is a reward for small services.

One point remains to be noted. The two forms of punishment, violence and indemnity, may not be combined, and this principle is applied in all situations (2). Should this prohibition be

2. For example, see also Chapter VIII, Article III, 1.

construed as an implicit condemnation of violent measures? Or have we here the use of a system of settlement? It is difficult to settle this question, and actually the two explanations overlap at least in part.

[illegible] It is not without interest to note that, in order to justify sanctions against the accomplice, the Nkundó invoke his frequently dominant role in adultery. Actually they reason that a woman is weak by nature; her emotions predominate, she is easily led and resists enticement only with difficulty. A man on the other hand is more reasonable, better able to control himself. Sanctions enacted and applied against the wife alone would not only leave out the punishment of one of the two culprits, but they would also be inadequate for the preservation of social order, since the woman remains exposed to succumbing out of weakness in spite of the penalties. The severity of Nkundó law with regard to the corporal punishment of the wife, which exists in spite of these considerations, are explained in terms of the woman's sensitive nature and of the power her husband has over her which he lacks in relation to her accomplice.

C. Against a husband and his accomplice. There is no
64 specific sanction in Nkundó law against a husband's adultery, [323] but an outraged wife may take revenge on him, as on her rival. Her weapons against her husband include invective, the refusal of food, drink, baths, and finally of debitum conjugale. These are appreciable punishments about which the husband can in no way complain, for he would be found entirely in the wrong. The woman's actions stem from a legitimate jealousy. Sometimes her feeling
[134] becomes so intense that she tears off her clothing and stands before her husband completely naked; this shames him greatly and constitutes a stinging reproach. Invectives flow out of the wife's mouth in torrents: iloló iné, itutula iné, inyanyama iné, owé lóí ó ndé
[57] nyongo, ndé ntómbó, "that imbecile, that good for nothing, that beast, one day you'll die of penalties, of being caught in flagrante delicto . . . ." Then there is a whole string of the usual in-
[62] sults. Our Nkundó say that the more abundant the insults, the greater is the woman's love. She may carry on like this for days, even for weeks. Her responses to her husband's adultery are thus of the same sort as those she makes use of under other circumstances.

If a jealous wife sets fire to the hut in which her husband yielded to his passion, no one can reproach her. The damage was caused on her husband's account.

Against the woman accomplice, the wife may use more violent means. She may fight her, strike her, even injure her. The rival's husband will demand a liombo, or payment "for blows and wounds," which has to be paid not by the wife's family, but by the guilty husband. Thus in the final analysis it is again he who is punished. If the offending woman is killed, it is again the unfaithful husband who is obliged to pay an indemnity to the widower. (See Article II.)

One form of punishment to which a wife likes to have recourse to take revenge on her adulterous husband and his accomplice if she catches them in the act is to pour a pot of hot or boiling water on their bodies. [324]

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D. Against the go-between (1) Nkundó law permits all sorts of invective, blows, and a good whipping. Formerly the most serious situation arose if a woman was called directly. In the past, if favored by circumstances (especially the social position of the families involved), certain of the more jealous and bold men caught the go-between and sold him as a slave. This punishment was entirely legitimate, even though the person for whom the go-between acted was the one primarily guilty and therefore the prisoner's family could attack him on that account. People cite the rather recent historic case of Bonkéké is Iloko of Ikengo (Ntómbá, Wángatá), who sold a Botswa named Bompéte into slavery because the latter had brought a lover's gift to Wáfya, his favorite.

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E. Conclusion. In examining the various sanctions that Nkundó law provides against adulterers and their accomplices, we are struck by a noticeable difference among the cases. Although a wife has certain means to check her husband's misconduct, she is unquestionably less well armed than he. This is a logical consequence of the nature of Nkundó marriage. A husband defends his "property," whereas a wife is not an "owner." Furthermore, in this realm the requirements are stricter for a woman than for a man. Even in Europe the misconduct of a man is judged very differently than a woman's weakness, the latter being considered much more serious and shameful, even though -- in an absolute sense -- the two are equal. Finally, the system of polygamy plays a role, for it tends to weaken a wife's love and consequently her jealousy, so

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1. The Nkundó generally use go-betweens to tender invitations to women; these are frequently children between the ages of six and fourteen. The disastrous effect of such a practice on the bringing up of young people is easily understood. In some groups it has inflicted a real moral evil.

684 that she becomes accustomed to her husband's relations with various
591 other women. Consequently, the reaction of the women in general
582 [318] against adultery is much weaker than that of the men. Moreover, because of this same system, a woman is much more exposed to weakness, and stronger sanctions are therefore necessary to insure her fidelity.

Finally, there is one last reason for considering a woman's misconduct as more serious. It is the danger of conception through adultery, with all the attendant consequences: risks for the pregnant woman, forced continence for the husband, etc. (1)

1. See no. 6 below as well as Chapter I, Part 2, Article IV, 3, and Chapter X, Article II, 3.

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684 From the description of sanctions it is apparent that in spite of the woman's inferior position, Nkundô law does not leave husbands the full and complete freedom which, according to certain writers, they are accorded among other peoples. Even if the means of repression available to the wife do not incontestably prove that the husband has an obligation of conjugal fidelity -- and the wife's legal status explains a great deal -- the fact remains that the ndongo as well as public opinion approve of even her violent reaction, proving that she is right and the husband wrong.

5. Public opinion

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627 Public opinion is fairly lenient in relation to isolated instances (yě̌tsi, efongo). It clearly recognizes the error involved in infringing on the conjugal rights of another, but the error is attributed to human weakness. In the case of habit the situation is different; it is criticized frequently and severely. Habitual sinners
[192] are called efâfókâ (from the verb fafoka, literally "to flutter" and figuratively "to flirt"), ebóngâ or ebâbóngâ (from the verb bâ̂bonga) or ebâbóâ (from bâ̂boa) "to flutter, to be flighty and fickle." These epithets are applied primarily to women, who are more subject to this failing than men.

626 The shame attached to the discovery of this sort of miscon-
[577] duct in the better circles in Europe is unknown among the Nkundó. This is natural since isolated instances are readily excused. As to
[152] the habitual offenders, they are sensitive [326] to the above-mentioned epithets but will not correct their ways on this account any more than people in other parts of the world.

577 An adulterous husband is criticized as much as an adulterous
626 wife in spite of the difference in the means of repression which
684 Nkundó law provides for their respective misconduct.

Public opinion therefore corroborates the conclusion toward which our examination of sanctions has pointed, namely that adultery is condemned by the Nkundó. Opinion is not based on the existence of the sanction but seems to spring from their innate mentality, which makes them perceive adultery as a disorder.

6. Aggravating circumstances

837 If a case of adultery is followed by conception, it becomes
682 especially serious, and for the husband as much as for the natural
672 father. Indeed the latter must assume all the consequences. When circumstances permit the husband makes his wife denounce her accomplice, and she does not refuse to do so. The husband then calls a meeting and demands a pledge (ndanga) from the culprit, who in that way acknowledges that he is at fault and shows his willingness to assume all responsibility. If there is a miscarriage or the child dies during delivery, the natural father must pay the legal father an indemnity of "a slave" or more (sometimes 50 rings); a smaller indemnity is required for a child who is only deformed or sickly. If the mother dies the indemnity consists of a slave and 50 rings, and it may go as high as 100 rings.

In the interim the husband no longer goes near his wife. He leaves her to her lover, who must "preserve the foetus" and observe all the rites and practices associated with pregnancy and childbirth, since, physically, he is the father. (1) [327]

1. For fuller details see Chapter X, Article II, 3. For analogous practices

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[843]

in the case of an unmarried mother, see
Chapter I, Part 1., Article III, 3.

[843] Adultery also becomes especially serious during the period preceding childbirth when there is a special prohibition against it, as endangering the lives of both mother and child, as we will explain in Chapter X, Article III.

7. Remarks and general conclusions

837 [726] 1) In former times the offense of adultery, even in its mildest form, that is, an isolated act, was one of the chief causes of "wars" between villages. Sometimes both sides called on their relatives by marriage to assist them, and the result was a general upheaval.

837 595 2) As a rule a husband wants his wife to be faithful. Doubtless there are exceptions. Most if not all of them were formerly found among the old polygamists. At their age they were disgusted with continual palavers, and their experience as men had taught them that they often became angry and uselessly complicated their little lives. They preferred to close their eyes, like good old Bonsef' w'Ilolongé of Ipeko (the Bombwanja clan of the Bolyá). He came to see me in the Christian village of Bombomba through which I was passing at the beginning of March, 1933. I asked him why he was adorned with so many bells, and he answered naively, "I always wear them. That way my wives know of my coming already from a distance. It gives them time to stop slandering me and to send their lovers away." When I expressed my surprise that he did not want to catch them in the act in order to punish them and end their infidelities, he answered me with a smile, "No, Father, jealousy . . . is for the young. As for me, I have seen so much of it that I no longer have any desire to get angry and make palavers for these trivialities."

558 837 595 Since the coming of the Europeans some unscrupulous men -- especially polygamists -- have been engaging in [328] a kind of procuring. They send their wives to commit adultery in order to be able to catch them in the act and thus enrich themselves. Or else they lend their wives for one night or more to laborers or soldiers who are

588 837 593 bachelors in law or in fact.

Knowing their wives' weak and sensual natures, some men save the rings that come to them as indemnities -- today as in the past. When this capital has grown sufficiently, they use it to acquire a new wife. The latter is in a sense the other wife's *nkita*, and she is called, rather crudely, *nkita é' efufa*, *efufa* being the piece of cloth (apron) worn by the women. Such action does not mean that the husband wishes to speculate in immorality. He simply profits from what is a fact. But this attitude could easily degenerate, and at the present time the danger that it might is no longer imaginary, although for the moment things have not gone that far. Watchfulness on the part of administrative authorities can avoid all exploitation of marital infidelity by preventing the development of this evil or checking it where it already exists.

837 593 The attitude toward a spouse's adultery varies greatly with different situations. These variations spring not only from the temperament of the injured party -- this goes without saying -- but also from the way the one guilty of adultery fulfills other marital obligations. This is particularly true with respect to a woman's "weaknesses." If she otherwise shows herself to be a devoted wife who is attentive, respectful, hard working, and one who takes the interests of her husband and children to heart, in a word, a good housewife, her husband will regret her infidelities, but he will pay less attention to these failings, since she compensates for them by many good qualities which show that she seriously loves him and lets herself go solely out of weakness. On the other hand, if a wife becomes neglectful, [329], disagreeable, and disrespectful, the change will indicate that something other than just weakness is involved, that her love for her husband has cooled and has chosen another object.

This is the sound philosophy of conjugal life among the Nkundó, as it is proclaimed and taught by all their old men and sages.

837 3) In spite of the terrible sanctions against adultery, it would appear that this offence has always been common. Certain events, such as deaths, feasts, and dances which last long into the night, are especially conducive to laxity. But even under ordinary

[837] circumstances, the dark of evening provides strong provocation. A noisy crowd of young people is often deliberately aroused for the purpose of hiding such frolics. Women especially are the ones to start the scene (called iole). They begin with "games," pinching, etc. Sometimes those who are bolder cry out, iole ol by way of a signal. These irregularities are sometimes agreed upon in advance; other times they are provoked without any advance agreement. The husbands intervene, but it is very difficult for them to catch the culprits.

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[837] 4) It would seem that according to Nkundó notions, adultery is not a moral fault, even in the broadest sense of the term, and not punishable by a nonearthly power of religion or superstition, which would intervene to re-establish the order that has been disrupted. Rather one has the impression that their law pertaining to it is purely social. Not that I want to say that this law and its sanctions do not, in the last analysis, spring from a moral idea; but if this moral idea exists, it is very vague and confused and is not expressed by our people. In practice all attention is focused on the sanctions because of the injury to property rights. There never seems to be the slightest reference to a moral religious idea. [330]

And this is probably the chief reason for the frequency of adultery in spite of the sanctions, for while these undoubtedly reduce the evil they are powerless to stop it. But this statement does not apply exclusively to our people. Every law is an ideal. Sanctions attempt to ensure that it is observed. But the masses never attain the intended goal. When some individuals are superior to the ideal imposed by law, it is because society falls short in performing its task, as is the case in Europe today. Among the Nkundó, law and society are superior to the morality of individuals. Besides, sanctions though necessary have never sufficed to assure perfect obedience of laws: nihil leges sine moribus. Good morals must come from considerations that are superior to particular laws and the basis for them.

Although, as we have seen, the Nkundó do not connect the subject at hand in any way with their religious understanding, how can we explain the praiseworthy conduct of many individuals? In my opinion although the Nkundó are not aware of the relationship between the law and its ultimate legislator, they are not without a certain vague, innate feeling that adultery is immoral, and this is corroborated by

837 577 their sense of the personal injustice involved. But they do not reason out these feelings; they follow them spontaneously, blindly.

There is a greater awareness of the social evil in adultery. But it is based not on the philosophical considerations of this harm in itself, but on the consequences of individual cases for the proper functioning of society -- palavers, financial difficulties, enmities, quarrels, wars.

This it seems to me is the present state of their ideas. It does not preclude the possibility that the law and sanctions against adultery may rest on an ultimate basis of moral ideas. And more particularly it is quite possible that the moral idea [321] operates only in the form of a feeling of the great principles of fundamental natural law which is innate to all human reason.

837 177 8) No one will be astonished if we say that colonization, far from reducing the frequency of adultery, actually contributed to its considerable increase. The abolition of native penalties and punishments together with a great freedom of movement could not help but lead, naturally, to this state of affairs. Every informed colonial who is in close contact with the natives is aware of the situation. "The prohibition of corporal punishments which, according to custom, were the sanctions imposed against a woman's adultery have brought about a license whose extent can be measured by the degree to which a group is subject to our occupation. The forgetfulness if not the contempt for the promises of marriage is nowhere carried so far as in places where the customary disciplines have been completely removed." [113] (Maj. Engels, Bulletin Soc. Belge. Et. Col., cited in Congo, 3rd year, Vol. 1, p. 77, April, 1922). That is why various persons have repeatedly called for sanctions against adultery to replace the ancestral means of repression that have been abolished.

692 177 837 But the decrees hoped for have never passed beyond the stage of mere projects. Fortunately, another step, and a fundamental one, has been taken in the meantime through the establishment of native jurisdiction (1926). Under the guidance and control of European authorities, native courts will turn the helm halfway back to the ancient sanctions, adapting these all the while to the new conditions created by colonization and by the introduction of more humanitarian

177 ideas. Nevertheless, great care must be exercised not to go to ex-
691 tremes in introducing these ideas to the point where a society only
671 just beginning to emerge from a pagan barbarism because of the
presence of a civilization based on Christianity, is treated as an
equal of European communities. Native society must evolve gradually
and harmoniously. Rushing is often synonymous with breaking, and
it is always a [302] great mistake. And in the matters under discussion, the abolition of sanctions which, in spite of their imperfection and their inadequacy for fulfilling the whole task, have been shown to have a real efficacy, has removed all the coercive power of Nkundó law. A sentimental and excessive humanitarianism must yield before the native society's right to respect for its vital institutions -- unless these are entirely to be condemned -- and therefore before the necessity for severe punishments which it cannot do without for the moment. For our natives are not yet ready for a complete abolition of their customary sanctions, since they still lack a new foundation that would replace their fear of the ancient penalties. Let us therefore take care not to take all means of punishment away from husbands and wives, even if they seem somewhat violent from our viewpoint. Finally, there is no sense in overstressing a respect for members of the weaker sex, who by their very nature sometimes need punishment for the greater good of the whole community. Moreover, as for this respect, our Nkundó do not understand it at all; the way we conceive of it is entirely opposed to their mentality and their laws. Therefore, everything will work out more easily if the native courts are given sufficient latitude to act in the spirit of their ancestral law and if their activity is guided by a constant, informed, and sympathetic control whose sole aim is the healthy evolution of native society.

000 If it is applied within these limits and under these conditions, Nkundó law can redress many wrongs and help to save native society from the abyss into which it is in danger of falling. In spite of its faults and imperfections, it is preferable not only to the system of freedom (or license) which has reigned for many years, but also to

[illegible] new legislation emanating from the European power, a very slow and complex system (the law against adultery which has been requested for decades is still in the realm of studies and projects), lacking in flexibility and the ability to adapt to the very varied circumstances of the peoples of the Congo. A law is needed only for the persons who do not fall within the jurisdiction of the native courts, in order to preserve harmony and impartiality in the exercise of justice, since native society must of necessity feel its effects.

Article VIII. Relations Permitted to the Wife

837 In this article we will examine the relations a wife may have -- under certain conditions -- with various persons. According to our law, such relations would be adulterous, but Nkundó law does not consider them as such. From this arises the difference between this article and the preceding one. Such relations may be 1) transitory or 2) permanent (concubinage).

1. Transitory relations

837 561 [574] A wife is permitted to have sexual relations with her husband's age mates (__baningá__, sing. __boningá__). (1) When one comes to

1. See Chapter I, Part 1, Article III.

the home of another in the course of travel, the host lends his wives to the visitor, saying: "Here is your house; here are your wives." If he is monogamous he leaves his house and his spouse at the visitor's disposal and goes to bed elsewhere alone. If a woman who is traveling arrives in the village of one of her husband's age mates, the latter -- as soon as he learns of her presence -- invites her to stay in his home for the length of her stay. When they say good-by he gives her a present for her husband" with the __boningá__'s compliments." When one visits another, wives are often exchanged.

[illegible] Such is the practice among age mates who maintain good and true relationships. They have free access to each other's wives, and [306] their actions cannot give rise to claims or fines. Nor if one is more "stingy" in the native view than another, can the latter start palavers with him on that account. But such an attitude will result in a cooling of the cordiality of their relationship, and refusals will be reciprocated.

Age mates do not demand indemnities from each other because it is not fitting for one to enrich himself at the other's expense. This rule applies even to "private" relations, to a simple "call," occurring without the lending described above. But if one of them goes too far, that is if he avails himself of another's wife two or three times without the latter doing likewise, a palaver may arise. The husband will believe that he has been wronged and will demand an indemnity. If his companion refuses on the grounds of the relationship which unites them, he may receive a reply such as the following: Bonángá bowángela ndé basíí é? "Is the age-mate relationship a means for acquiring wives?" A regular battle may follow, and the husband is the one who will win the case before the court.

There are no relations permitted between men and women age mates. Such relations would be considered typical adultery.

The relations between a man and his age-mate's wife are therefore permitted not in themselves, but because of the husband's willingness to have them occur. Furthermore, the husband is not strictly required to yield his wife to him. That he does so is a [571] matter of good friendship, harmony, payment for services, and mutual respect and affection. From the purely matrimonial point of view, the terrain is free and neutral since, they say, the relations involved are purely private between them, and each one does what he thinks best.

[837] In addition to the bonángá, the Nkundó have a relationship 572 called boseka, "friendship," "friend." (It is called bokandeko among the Bombwanja). (1) In contrast to the practices that prevail between

1. See Chapter I, Part1., Article III.

837 age mates, the friendship pact has no connection with the wives of
572 the men involved. If [334] there is a very firm friendship between them, one may lend his wife to the other in some situation or other, but this is a fairly rare occurrence. The Nkundó say that the bosako relationship is for mutual assistance only.

If a case of adultery occurs, the husband has every right to demand an indemnity, but if the occurrence is not repeated, he never goes to extremes, and, because of the friendship, he may ask as little as 2 or 3 rings. If the occurrences are repeated without reciprocity, however, the husband often makes a great to-do; he demands a large indemnity and breaks the friendship pact.

Instead of demanding an indemnity some men give their
[578] friend a gift (mpôlí) asking him to stop the illicit relations. Often this action is but a subterfuge to relax the other's vigilance so that, feeling freer, he will be more easily apprehended.

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591 Between persons bearing the same name (ndoí, pl. bandoí), (1)

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1. See Chapter I, Part 1, Article III.

there is no free access to wives, nor are persons of opposite sexes ever considered ndoí. Such relations would be considered concubinage or pure and simple adultery.

To summarize, a certain freedom of access to each other's
837 wives exists among age mates, but it is subject to the expressed or tacit consent of the respective husbands. These relations are not considered adulterous. Such freedom does not exist with respect to other categories of persons. But these, nevertheless, had to be mentioned here because the similarity among the kinds of relationship discussed might produce errors in the reader's mind, and because in certain parts of the Congo such persons fall into the same category as Nkundó age mates.

2. Concubinage

595-x Concubinage (called ilimámbá among the Bokote, isɔkɔ
837 among the Bombwanja as well as the Ekonda) is a union [335] between

595 a man and another's wife which is legitimate, regulated, officially
587 acknowledged, and accepted. It is not a marriage; there is no bride price nor are there witnesses other than the woman herself; the wife does not belong to the secondary husband, and in case of a rupture of relations, there is no restitution of valuables however numerous they may be. A man who in this manner purchases the right to cohabit with the wife of another does so because of poverty; he does not have the means to pay a bride price for this woman or
[336] any other. Therefore he is disdained and scorned by his fellows. To a certain extent the husband and the lover share a common life; they give each other presents and food, help each other, eat together, and call each other bakalé, the same name by which wives of a polygamist address each other.

Such a concubinage can last fairly long. It is usually difficult to break, for the legitimate husband takes such a breaking up badly and considers it an injustice. If the husband is rich and influential, it is dangerous for the partner to dissolve the relationship for he will have to count on the husband's wrath. Thus in the past such a union could continue for many years (in that case it was called [illegible]) until the lover (bonsémbé, pl. bansémbé) was rich enough to free himself. Often it continued for an entire lifetime, and the partner settled in the loánjé (a place occupied by a man and his wives) of the husband (linsémbé jǐ njokóngwá, enjwáki); he thus became like the husband's child. Nowadays this custom has become much less common because of the freedom resulting from colonization as well as the greater possibility of acquiring wealth. This diminution shows that the practice is not ideal, even in native eyes, and is only a last resort resulting from the state of the distribution of wealth.

A man who desires to live in concubinage with another man's wife has some relations with her in secret and then makes the matter public. For that purpose he gives the woman a knife or a few bakonga to take to her [337] husband. Or he may even call a meeting of the patriarchs and pay the husband in front of them. To make a concubinage public in this way is called ɓja linsémbé, "to make

595 the concubinage come out," (the intransitive of the verb is *file*), or
597 *isja* (*isla*) *losafinda*, "to bring out into daylight, to make public."

The payment for the right of concubinage is called *bonyoliya*, although it may also be designated simply by the term *losafinda* (*isja*). To show his agreement the woman's husband sends the partner a dog or a few hens (2, 3, 5, or more, depending on his wealth or his satisfaction). The intermediary is not the woman involved but one of her co-wives. Nor is one of the husband's children ever charged with this office. Thereafter, the two partners
[596] regularly give each other gifts. The husband's presents are all called *besimo* (the generic term given to all presents from a woman to her lover), while those of the other man are called by the term *mpanga*, "package, gift sent" -- also a generic term.

Often the woman herself urges her lover to make their concubinage public because she wishes to regularize the situation as she fears its possible consequences. Sometimes she threatens to break off all relations, but usually she nevertheless succumbs to temptation.

As soon as the concubinage is made public in the manner described, that publication itself renders it legitimate. The expression used for the act of contracting such a union is *isja losafinda*.

If a woman's official lover catches her in the act of adultery, he does not denounce her to her husband but personally demands an indemnity as if he himself were the legitimate husband. If the culprit refuses to pay him, the lover breaks off relations with the woman and denounces her to her husband. Thus the adulterer is punished in any case, and from his point of view it is preferable to pay the *bosafinda*, who will be satisfied with a smaller indemnity. [330]

Since the woman does not belong to her lover, he has no rights whatsoever to the fruits of her labor or to her children, who are considered her husband's. But the partner has a right to expect that the woman will prepare food for him. The husband, for his part, has the right to his partner's assistance. The social situation is therefore entirely in the husband's favor. The lover's only gain is to have access to a woman whom he could not otherwise have obtained. But the respect due to the legitimate husband prohibits him from freely availing himself of the woman while he is in the village.

Some men are strict on this point, while others are more tolerant. Clearly, the technique of such men is most subtle. The more a wife's lover is permitted his freedom, the greater is the likelihood that other women, who prefer a young man passionately enamoured of them to their husband, will ask the polygamist to marry them. A man who is sufficiently wealthy and influential can in this manner build up a harem from which he does not benefit physically but which assures him of a dominant social position.

This practice exists almost exclusively in conjunction with polygamy, but cases do occur among monogamists. And among more "civilized" tribes, such as the riverain people of the Lower Congo, a tendency in that direction is developing.

A request for concubinage made by a relative of the husband cannot be considered in the same category with the situation we have just examined. Such a request is more closely related to the request for an inherited wife (see Chapter III, Article II). The difference is obvious. The only thing the two situations have in common is the fact of legitimate cohabitation with another man's wife. One perceives this immediately upon comparing the two.

Article IX. The Family's Role in Marriage

We have found that there are situations in which a woman is to some extent considered and treated as the wife not only of her husband, but also of certain of his relatives (Article VI). Moreover, we have seen in Chapter II the big role that the families play in the arrangement and continuation of their children's marriage. In discussing the question of the inheritance of wives, we have seen that the close relatives of the deceased have rights over the widow; one of them may marry her without any obligations toward the chief heir, and the new union is not a new marriage but a continuation of the previous marriage, which is not broken in spite of the first husband's death. A similar observation was made in relation to the practice of wife replacement (Chapter III, Article IV).

All this leads us to raise a question: To what extent does the family have collective rights over the wife? The following answer is the one which seems to me to conform to reality.

A wife is acquired by means of a payment of valuables. These valuables belong chiefly and in the first instance to the one who has obtained them, either through the marriage of his daughter or sister or through his own efforts. In the last instance, the husband has more direct and personal rights over his wife. In the first instance, the closer the husband's kinship with the woman who has furnished the bride price through her marriage, the stronger are her rights over the wife. Other members of the family, however, also have secondary rights over her in proportion to their position. For they are bound to the husband by ties of kinship as descendants of the same ancestor and therefore share in varying degrees the duties and rights of the moral entity based on a community of blood. [260]

The family's participation in the husband's rights is based on the one hand on the economic nature of the marriage agreement and, on the other, on the solidarity of clan and family.

That is why a marriage continues despite death. From the personal point of view it is broken -- so that, for example, the woman may subsequently become another person's legitimate wife, which she could not have done during the first marriage, but from the financial and social point of view it continues to exist. The same is true for wife replacement. As to the relations of a younger brother with his elder brother's wife, they are permitted only under certain conditions which are clearly defined and limited. This fact proves that the younger brother may only very inaccurately be termed "husband." The woman does not have two husbands; she has only one: the elder brother. The relations with the younger brother are permitted not as a personal tie, but only because of the community of financial interests between the brothers, and the elder's pity for his unmarried junior.

Everything considered, and despite all, a woman has only one husband. Taking into account the explanations given and the description of the formalities through which certain persons may intervene in their relative's household and the extent to which they may do so, it is apparent that a husband's rights over his wife are basically personal and exclusive in spite of his recognized prerogative to yield these rights to others.

Chapter VII

Polygamy

95 The Nkundó have no polyandry except for the few instances discussed in the last chapter which vaguely resemble it. The polygamy we are dealing with here is therefore polygyny, which is the general rule. Monogamy does exist but -- apart from extremely rare exceptions -- it is not voluntary. As soon as a monogamist has the means to acquire additional wives, he does not fail to take advantage of the opportunity. In spite of all the many sayings criticizing the difficulties involved in living peacefully with several wives, the Nkundó still try to build harems for themselves (afumbola ndongé, umba ndongé, "to line up a harem," "to fell a harem").

Polygamy in the grand style, à lopango, is unknown. It would be interesting if government statistics were published concerning the proportion of polygamists to women who make up their harems. To the extent that one can tell by simple observation, the bigamists appear numerous. Ten wives is already a great number.

Only certain of the wives comprising a harem are called by special terms: the first wife (bomɛ́tsa), the favorite (nkɛ́ndé), and the woman of rank (bolɛ́mbé), and to them the category of the bilóa may be added. The others are simply called baálɛ, "wives."

Article I. The Bomɛ́tsa

The bomɛ́tsa is the first wife the polygamist married. She is mistress of the house. She is responsible for the care and [342] supervision of the lofɛ́njɛ (the area including the huts and annexes). It is to her house that the husband brings the game and the fruits of the palm trees and divides them. In the husband's absence, the duty and privilege of dividing them falls to her. She also settles quarrels among the wives that arise in his absence. If he goes away alone and is a long time in returning, she sends one of the other wives to take care of him and serve as his companion. Finally, she is supposed to try and increase the size and importance of the harem.

595 The bomátsa takes her task to heart, for her husband's glory is her own as well. The bomátsa is conscious of her role in spite of the presence of a favorite, for it is less that of a wife in the sexual sense of the word than of a wife who is mother of the family. It is of a higher order than the roles of the other wives; it is more serious, more unselfish, and based on a deeper love and a more deliberate will. According to the native point of view, it is rightly the source of a legitimate pride; it is an honor, while the position of the favorite is closer to an object of vanity. Therefore the bomátsa likes to show her importance.

It may seem strange to us that the bomátsa puts her heart into working to increase the number of women in the harem. But this is altogether natural for the Nkundó. The growth of the harem is a source of glory, and she has been brought up to this attitude since her youth. After the first ardor, her affection becomes more serious. She becomes a perfect matron in the Roman manner. Although she continues her relations with her husband and takes care of her children, she is chiefly occupied with her duties as mistress of the whole family. Her husband loves her with a deeper and more reasoned emotion than he shows toward his other wives. Without cease he shows his consideration and attachment for her. If she is sterile it is very likely that he will give her a child belonging to his family or born of a wife who has left him, so that she can bring it up as if it were her own. [243]

597 592 The bomátsa's house is located at the right end of the row of wive's huts. She deserves this location because of her function as bomángô lofojí, "owner, mistress of the polygamist's compound. The Nkundó say: ôféla lofojí, "she stretches, or extends, her husband's group of dwellings in order to enlarge it."

595 A polygamous husband undertakes nothing of importance without first consulting the bomátsa (be it the creation of a bolómbô or a nkíndô, or the acquisition of new wives, etc.). He respects her and treats her with deference, as if she were his mother, our people say.

[729] The bomátsa is the only one of all the polygamist's wives who plays a part in the acceptance of the Nkundó offensive and defensive

595x 789 magic known as yoli. She alone participates in the ceremonies that accompany it; with her husband she eats half of the hen that has been killed for that purpose, and on that night she alone may share his bed. Finally, only with her, to the exclusion of the co-wives, may the husband eat the fish called wengé, and only she may and must burn the leavings. Otherwise the magical practice would turn against its owner.

595x [724] When a piece of game is divided, the bomátsa is entitled to the lintúla (the lower portion of the breast), which would go to the man's mother (or his father's or his elder brother's wife) were he a bachelor.

In the bomátsa's absence, her place is taken by her ebísa (see below, Article IV) or by the wife who follows her in seniority. At her death, the same rules govern her succession.

The name bomátsa is probably derived from the root mátsa, "to begin." She is the one who founds the family. Sometimes she is also called ikókóyónjemba, literally "bachelor's love." The Bombwanja say itókóyónjemba (the Ekondà, nkúmukolo).

In addition to the bomátsa, reference is sometimes made to [344] bomátsa w'îáli, or "bomátsa of the left." The bomátsa in the strict sense of the term is contrasted to the latter as bomátsa w'îlóme ("of the right"). The bomátsa of the left is a polygamist's second wife. She is given this name because her house is at the left end of [592] the loánjá. She has no special rights or duties, however, unless the actual bomátsa delegates to her the task of looking after her end of the compound. If the harem is large, the husband may set aside [224] for her a special portion of the game, called itómbantúta, or nape of the neck. In her absence it goes to the eldest daughter.

Article II. The Favorite

595x 556 All polygamists of any importance have a favorite wife, or nkóndé. But only the rich and the notables have a true nkóndé. The minor polygamists, of course, imitate the others (nkóndé éâ weólí or éâ itsió, "without great importance"), but they do so without

595 great ceremonies because they lack the necessary wealth.

596 The *bomɛ́tsa* is never *nkɔ́ndɛ́*. But before he makes one of his wives a *nkɔ́ndɛ́* a husband must ask the advice and approval of the [431] *bomɛ́tsa*. For that purpose he presents her with a *bompɛ́ngɛ́* (a dog, a goat, some rings), which expresses his recognition of her right and authority and at the same time is intended to secure a favorable response. If the *bomɛ́tsa* does not agree, the matter is not followed through. But that situation is only hypothetical. In practice the *bomɛ́tsa* yields to her husband's preferences, since he has recognized her rights in the proper fashion.

When a husband wants to create a *nkɔ́ndɛ́*, he first makes all the preparations, brews the sugar-cane beer and collects all the riches that are to be distributed. Then he invites the neighboring villages and calls together his relatives. On the assigned day, the assembly having gathered, the chosen wife puts on her most beautiful garments and adorns herself with her richest ornaments. She [352] seats herself on a magnificent *boɛ́nga* [345] (a portable couch) (1) in front of the audience. Her husband then announces to those assembled that henceforth this woman is to be his favorite; woe unto the man who has the temerity to seduce her or even show affection toward her -- he will be a dead man (or he will have to pay an [684] enormous indemnity of 25 to 50 *bakonga*). In the past it often happened that a seducer was killed or reduced to slavery without further ado. When the husband has paid 25 rings or more to the wife's family and gifts have been distributed to the assembled patriarchs, his words are ratified by the assembly, and henceforth the contract between them and the husband is sealed. Dances, song, and drink follow.

[292] The favorite wears no special garb. She wears the same clothing as all the other women and wears furs only for dances.

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1. See the excellent drawing in Engels, *Les Wangata* [The Wangata], (*Revue Congolaise*, Vol. 1, no. 4, p. 483, 1910).

595x She does no work in the farm or kitchen. She always has an ebísa to wait on her. If her family has no member they can let her have, she will borrow an ebísa from a distant relative or a friend.

A nkɔ́ndɛ́ does not travel on foót; she is carried in a hammock
[482] (hunting net). Her husband accompanies her on foot, however. But
[556] this was done only for a true nkɔ́ndɛ́ of a rich man, and the custom is disappearing today.

A favorite may not leave her husband, even to go and see her parents. In the past some men were so jealous of their favorites
[514] that they would not allow them to satisfy even their most private needs unless they themselves or some sentinel (usually a Botswá) stood watch. A man could not even go into the vicinity of her hut, which is built just behind the husband's shed. For although the husband is sometimes tolerant of the passions of his other wives, he always shows
[152] an intransigeant jealousy [346] in relation to his favorite. He never travels without having her accompany him.

The favorite has the honor of performing small personal serv-
[515] ices for her husband; she cuts his hair, helps him in the removal of body hair, scratches his pustules from ringworm or prickly heat, anoints him with oil, paints him with ngɔ́la, and, in a word, performs all the tasks connected with his appearance and hygiene.

Out of love for his favorite, her husband can buy her corpse
595x
766 for the price of a slave (in kind or in money). By doing so he obtains the right to have it buried beside his own while those of the other wives must be buried with their native clans. That is why in some regions a husband calls his favorite his ikundaka (from kunda "to bury"). Nevertheless, if her husband dies before she does, his heirs may not trouble themselves about his wishes and no longer require that the favorite be buried in their cemetery. That is what happened to Bongɔ́la of Bongíli, whose husband Ikilinganya of Bongangá (Boɛ́ndɛ́) had paid the price of two slaves for this right. When the husband has
[224] killed large game, the favorite, like the bomátsa, has the right to receive her personal predetermined portion (boando). Her part is the neck or a chop, which in her absence, goes to the sons or their wives. The other wives do not have the same right; each one obtains only an ordinary piece (liondo).

595x [431] Thus a favorite is in every way the object of her husband's preference. He divides with her all presents he receives, while the other wives are not included in this expression of generosity. [853] But in the matter of sexual relations, apart from his trips, he has obligations to all of them. The most he can do is to add one night to the usual number (see below).

The co-wives adapt fairly well to this preferential system. Nevertheless, there is a good deal of backbiting on account of it. It may also happen that one or another of the wives is jealous to the point of being unable to bear it. [347] The signs of her rancor [586] multiply, and a divorce results in the end.

The nkɔ́ndɛ́ does not have to go into mourning for anyone [766] other than her husband. Even then she does not remove her clothing. But she does not have to abide by mourning regulations either for her parents or her own children.

Like the other wives, the favorite is passed on through inheri- [587] tance. But she cannot be taken as a bosɔ́lɔ́ by anyone except an elder brother of the deceased.

595x 192 Nkɔ́ndɛ́ is the specific term by which a favorite is designated. Its etymology is unknown to me. The word is used everywhere, although the Injɔ́lɔ́ often say lokílo (whose etymology is equally obscure). Another less common (older?) term known to the Bonkoso, Bongili, Wɛ̌ngatɛ́, and Bakɛ́ala is bongilɛ́ or bongijí (1). In addition to the term ikundaka, already cited, there is also the word ebɛlɛ́kɛ́, a generic term meaning "preference, predilection" or, when applied to a child or a slave, "an object one does not want to dispose of." The favorite is also called ɛfɔ́kɛtɛ́mɛ́, "untouchable," because other men may not have relations with her.

1. The Ekonda call the favorite bokɔ́lo. The Elanga of Losanganya say bofiɛ́, a name borne by certain women among the Nkundɔ́ between Jwalɛ́ and Boloko. Might this also be an old name?

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192 Qualifying expressions are sometimes added to the name nkónde: éâ boánga, referring to the boánga on which the favorite is seated during the ceremony in which her position is established, and eâ konjo, "true." The two terms are used as opposed to a nkóndé éâ weólí, whose position is established without any special ceremony, in imitation of a true, officially recognized favorite.

The expression for "making a nkóndé" is ója nkóndé, "to make a nkóndé come out," because she is proclaimed as such before the public gathering. Nowadays one often hears the expression téna nkóndé, a term which is very probably transferred from the bolúmbú. (See the next article.) [348]

Article III. The Bolúmbú

595^x
554 The polygamist who by birth or influence is recognized as the primus inter pares of a group of clans and who, to use the Nkundó term, is jɔkɔ j'ésé (1) has the exclusive right to make one of his wives a bolúmbú. Therefore, doing so was not, as with a favorite, a matter of wealth and preference, but rather a mark of influence and authority.

In relation to this subject, here is a historical incident showing how an attack on this law resulted in a mysterious punishment, interpreted by the natives as an intervention from beyond the grave for the protection of the ancestral order. The events occurred at Besombó (Bombwanja), in the Bongilá family. Bonkoso w'Ilumwa had married Eyeke of Bokúma and by her had his eldest son

[614]

1. Nowadays one would call him the chief. But actually he was not a chief; he was simply the most respected and influential member of the oligarchy of clan patriarchs. This oligarchy constituted the political administration of the Nkundó, and from time to time an eminent personality gained recognition within it.

595 557 Ikunjwêkulu. (2) But before her marriage to Bonkoso, Eyeke had already given birth to another boy, Mbɛo, whom she brought with her "in the shoulder strap." (3) Subsequently, Mbɛo acquired much wealth and built a large harem for himself. He wanted to show his important position and decided to make one of his wives a bolɔ́mbɔ́. Thereupon, his uterine brother Ikunjwêkulu became furious and called together the three other family heads of Besombɔ́: Elongama ɛá Longɔ́mbɛ́ of Bokenda Embombɔ́ of Ikolɛ́, and Esola of Befɔ́sola. He said to them: "Come and see the extraordinary and astonishing thing that is happening. Mbɛo came with my mother in the shoulder strap. How then does he dare to create belɔ́mbɔ́?" They examined the facts and were very angry [349]. They called a meeting of all the family heads of all the neighboring villages in order to explain the case to them. Seated under the tree where the deliberations were held, all the men spent a long time awaiting Mbɛo's arrival. As he was too long in coming, one of his wives was sent to ask him to hurry. She found him dead, already quite stiff.

A bolɔ́mbɔ́ is created much later than a favorite, for a polygamist can attain the necessary social position only at a fairly advanced age.

The choice of a bolɔ́mbɔ́ is not a matter of preferential love. It is not a question of relations within the harem, but of the statement of the husband's social importance. Usually he chooses a woman who belongs to an influential clan and is a model of conjugal life and good breeding. She is certainly the object of special affection on his part, but not of a preference in love. Note again that the bomâtsa can never become bolɔ́mbɔ́, but she must be consulted and her opinion is decisive. Thus her own ebísa is often chosen as bolɔ́mbɔ́.

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2. For his genealogy see Chapter III, Article II. A great-grandson of this Ikunjwêkulu is, I should say, approximately fifty years old.

3. See Chapter I, Part 2, Article IV, 3.

595* 554 On the day set aside for establishing the position of the *bolɔ́mbɔ́*, there is a great feast. All the clans and neighboring villages that have been invited gather at the home of the polygamist in question. He presents the woman to them and addresses the gathering: "Here is the woman whom I want to make my *bolɔ́mbɔ́*, as I have already announced to you. Today I am making public the decision I already made a long time ago. Be it known to all that no man may touch her, or he will be severely punished." Then two women (in rare instances, two men) hold the woman, and the husband unfastens her belt and rips off all her clothing. Then the assistants tie a rope or a belt of *mpangá* (striped antelope) skin around her, and to it they attach various furs. From that day [292] until her death she may no longer wear the clothing (*bitɔ́o*) of other women; she must always [350] be dressed in furs. Hence her name, *bolɔ́mbɔ́ wa bíkɔ́tɔ́*, "*bolɔ́mbɔ́* with furs." Then her husband gives her pots of palm oil with which she will have to cover herself. Two men approach her; they are chosen among the handsomest in the village (1) (married or single) and are [301] richly adorned with furs, belts of *mpangá*, beads, raffia fabrics with jagged edges, copper rings on their ankles, etc. Stepping in rhythm, they lead her to the house intended for her which is [351] [124] surrounded by a fence of *bofeko* posts (*Ricinodendron africanum*) held together with palms. This hut with its fence is called *ileke*.

There the *bolɔ́mbɔ́* will reside for months and years (up to three or more, they say). She is secluded there, so to speak, [514] and may not go out. If she needs to go to the banana groves for her personal needs, she covers and surrounds herself with a mat so that no one will see her.

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[609] 1. They are then (sic) relatives of the husband. Nkundɔ́ law dictates that no stranger shall perform a function of the slightest importance -- not even that of silencing a gathering. According to their saying, *bofaya áfótéle lokáanga*, "a stranger does not cut up a guinea hen."

595ˣ 554 that no one will see her. She lives in this house in the company of her ebísa, her daughters, some female relatives, or even another of her husband's wives, who must wait on her, prepare food for her, etc., and who go out and enter freely. Her husband also enters at will and spends the usual number of nights with her. No other man is permitted to enter the enclosure.

During her period of seclusion, the bolɔ́mbɔ́ may not do the slightest work. She does not wash with water, but only with palm oil. She walks only on mats. She is also exempt from mourning for her parents. (Compare with Chapter I, Part 1, Article II.)

When the period of seclusion comes to an end, the husband announces the coming-out feast. There is merrymaking, dancing, and drinking. Mats are spread from the door of [351] the hut of seclusion all the way to the middle of the street. The two men who brought the woman to the hut come again and, taking her by the arms at the entrance to the enclosure, lead her over the mats. The ceremony thus ends without further ado.

The bolɔ́mbɔ́ is henceforth free and acts like any other woman except for the wearing of furs. She may work, draw water, cook, travel, visit her parents, etc. But her husband's [563] [567] [357] honor and his reputation as a rich man require that he give his bolɔ́mbɔ́ one or several slaves, or Batswa, or -- as is more frequently done -- one or two bibísa, who are supposed to take care of her housework and thus free the princess.

595ˣ 554 837 614 Adultery with her -- after her seclusion -- is more severely punished than misconduct with an ordinary woman as regards the indemnity to be paid. But as a flagrant insult, it is considered very serious indeed, not so much as an infringement or marital rights as an attack on the honor of the whole clan or group of clans involved. Thus, while adultery with a nkɔ́ndɛ́, for instance, is a private matter, arousing the husband's jealousy and anger, misconduct with a bolɔ́mbɔ́ is a public offense. The whole clan is enraged -- for they believe that their honor has been attacked, and all the members together press for vengeance for

595x
554 this outrage (*nkɛlɛ eleki ɛ́y'olɔ́mbɔ́*). It is a kind of national dis-
831 honor. This observation also clearly pinpoints the great differ-
614 ence between the favorite and the *bolɔ́mbɔ́*.

The following custom should be mentioned in this con-
595x nection: if any man, even a stranger or one who comes from a
721 great distance, comes and -- over the fence -- strikes the roof
554 of a *bolɔ́mbɔ́'s ilɛkɛ* of seclusion with his *elefɔ́* (1) as a call to war, the whole village is obliged to take up arms to defend him. All the men [352] accompany him and unite with his family against the enemy clan, whatever the distance may be. The Nkundó say that the act of touching the *bolɔ́mbɔ́'s* hut infuriates the entire clan and makes them take up arms without hesitation. (1)

595x
554 One last indication of the social nature of this institution is the fact that the *bolɔ́mbɔ́* has the right to sit beside her husband at public gatherings and feasts, a prerogative which she alone of all women possesses. With her is a boy or girl who serves as her "boy" and carries the seat (*boɔ́nga*) on which she sits.

When a *bolɔ́mbɔ́* dies her husband may put another in her place. To do so he repeats the ceremony described above. It is called *sangoja bolɔ́mbɔ́*, "to make succeed to the title of *bolɔ́mbɔ́*."

As we saw in Chapter I, Part 1, Article II, a man may even make his daughter a *bolɔ́mbɔ́*.

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[554] 1. A wooden bell (see *Congo*, 1935, Vol. 2, p. 366, figs. 4 and 5).

1. Compare the result of a serious offense, whose effect is entirely in the offender's favor, to analogous cases described previously, for example in Chapter III, Article VII; Chapter VI, Article V, 4, Appendix; and below in Chapter VIII, Article II, 3, (2).

595x
554 The name *bolɔ́mbɔ́* seems to come from the fact that for an instant during the installation ceremony the woman is naked. In fact in certain dialects the word means "nudity."

[557] Nowadays this name is common among Nkundɔ́ women (rarely men), but it does not indicate that they are *bolɔ́mbɔ́*. The name is borne in memory of ancestresses or relatives who had that position and is transmitted in the family like any other name.

[184] All the tribes under discussion here use the same term, *bolɔ́mbɔ́*. The Bombomba alone say *boálɛ́*. (2)

> 2. Elsewhere, as in the Losanganya region, among the Bosaka, etc., the *bolɔ́mbɔ́* is called *ekila* (interdiction, taboo).

It is clear from everything that has been said that the *nkɔ́ndɛ́* and the *bolɔ́mbɔ́* have nothing in common with each other. [353] The two institutions are decidedly different. Nowadays they are beginning to be confused with each other, however.

[178] For the installation of a *bolɔ́mbɔ́* has become extremely rare, and in some regions it has already disappeared. The colonial government has established districts and appointed chiefs in charge of them. Very frequently, they are not those who in the purely indigenous order would have been the most influential men, the masters, those who would have the biggest say in their society, who would be said to have the *joko*, the first place.

As far as I have been able to observe, the other tribes on the equator also have the two types of wives with special positions, who bear names which vary with the dialects.

171
595x
554 Do the Ntɔ́mbá and the Bolɛ́ngɛ́ between the Boloko and the Congo have only the *bolɔ́mbɔ́*? That is the conclusion one draws from Engels' study of the Wangata (*Revue congolaise*, Vol. 2, no. 1, p. 33). If that were so, the frequent contacts with this people may have increased the confusion even more. Natives who are strangers to the Bolɛ́ngɛ́ tribe but who have lived many years among them as catechists, have maintained, however, that

171 they distinguish very clearly between the bolɔ́mbɔ́ and the
595x favorite. They even added that the nkɔ́mɔ́ enjoy no privileges
534 in this realm. (1)

> 1. The institution of the nkɔ́mɔ́ is not very widespread among the tribes treated in our study. (See "Les Coutumes funéraires des Nkundɔ́ [Funeral customs of the Nkundo]," in Anthropos) (in press).

In the course of a visit I myself made to the western Bolɛ́ngɛ́ (in September, 1933), I learned that a man who had a special position could have two belɔ́mbɔ́; the bomɛ́tsa proposed her ebísa as candidate, and the second wife did the same for hers. Thus there was a bolɔ́mbɔ́ w'ìlɔ́me and a bolɔ́mbɔ́ w'ìáli (the latter more especially called ekila. I also observed that they made a very clear distinction between bolɔ́mbɔ́ and [354] nkɔ́ndɛ́, just like the peoples treated in this study.

As to the function of messenger, which is attributed to the bolɔ́mbɔ́ by Engels (as well as by Father Kaptein, in Congo, 1922, Vol. 1, p. 532), it is not performed more by her than by any other woman in the harem. Any of them, without distinction based on rank or date of marriage, may be charged with a mission. The only custom of this sort which involves such a distinction is found among the Bolɛ́ngɛ́-Ntɔ́mbɛ́ living between the Congo and the Boloko. It is as follows: an influential
[728] man sometimes sent his belɔ́mbɔ́ (one or two) to stop a quarrel, or even a battle between two villages. When she intervened, the opposing parties made a truce, pending the arrival and the decision of her husband in person.

Article IV. The Ebísa

595x An ebísa is a woman taken as wife by the husband of one
583x of her relatives -- a sister, aunt, or older cousin. The relative

595* [585] is the one who brings her to her husband and is, at the same time, ndonga for the payment of the bride price, which is made as for any woman. The expression is: X aôlutela bokánɛ́ Y ebísa, "X repeats her sister Y ebísa."

In case of the elder's absence or upon her death, the ebísa replaces her or inherits all her rights in the household.

The elder relative cares a great deal about having her ebísa, because as a result she rises in her husband's estimation and she herself has an assistant in her work and a confidante in her troubles. The ebísa herself has the advantage of not being alone or abandoned at the beginning of her marriage, but of being able to count on a protector and guide, and if her elder occupies a privileged rank in the harem, she has the certainty of sharing her prerogatives and the likelihood of one day succeeding her. [355]

The term ebísa is used by the Nkundó between the Jwalɛ́ and the Boloko, and by the Ionda. The Bombwanja designate such a woman by the name loambwá or loambyá. The Boángɛ and the Injóló also call her loambyá. (1)

[192] Ebísa may be related to the root bís, from which is derived the verb bisingana, "to be united." Loambwá or loambyá are derived from bamb, which means: 1) "to be united" and 2) "to follow" (in order, in rank).

These names indicate the nature of this marriage that does not arise from direct relations between husband and wife but is established through the medium of another preceding marriage. Or to express the situation in Lonkundó: áfa liála j'ɛ̌ndɛ́ móngó, áamana l'eóto mbamáná, "this is not a marriage which comes

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[184] 1. The Bonyanga say mbambwá or loambwá. Out of respect they sometimes call her bongíli and the woman who has brought her nyangôngíli. (See also Chapter II, Article X, and Chapter VI, Article VI.) The Ekonda call her bombáha or bombása (mbása, "last").

595x from her personally; she attaches herself to her relative and follows her in her marital union."

The name ebísa, as well as the functions involved, may be improperly extended to a relative who is fetched by a woman so that she may become the wife not of her husband, but of one of his relatives. Sometimes she is even intended for a man who belongs to another clan, which is related by marriage, but for whom there is prohibition on marriage with the first clan. For instance, Bolɔ́mbɔ́ w'ǒfuwa of Eleke (Lokongo) came to fetch her sister Eengɛ́ for Bompata w'îselema, who belonged to the Befósola clan which, like her husband's clan (Bombɛ́nga), was part of the village of Besombó.

Article V. Slave Women

595x 567 In times past a polygamist could have one or several slaves in his harem whom he treated as wives. They were war prisoners whom he himself had captured, or had bought from others, or received as [356] bosóngo. As a rule no bride price was paid for them, and in leaving, they retained their status of slaves. This fact did not prevent a husband from loving them like real wives. But their rivals respected them less and, especially on the occasion of quarrels and disputes, reminded them of their inferiority.

[177] Since slavery has been abolished by colonization, many former slaves have returned to their respective families. Others, on the contrary, have not wanted to take advantage of the freedom granted them and have preferred to remain faithful. In such cases the husband paid the usual bride price for them with all the appropriate formalities. Only recently (1932) Ifolɛ́, a [583] Belondó man (Bonjoku) thus paid a bride price of 63 bakonga to his wife Ǎmbá's family. Ǎmbɔ́ was originally from Bokukɔ́ (Boɔ́ngɛ́) but had been abducted at the beginning of the European occupation. Ifolɛ́ had inherited her from Bakónongo of the Basɛ́kɔ́ Mbangó (Bonkoso) thanks to the intervention of his great-uncle Mpetsɛ́ who had paid 7 rings on his behalf as the customary bompɔ́ngɔ́ called nsǎsangó.

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595 A slave woman may be chosen as a favorite. Since this choice is a matter of preference, there is no reason why not. This is not true of the rank of bolɔ́mbɔ́, which can never be attained by a slave, as an examination of this eminent position clearly shows. The following slave women are cited among those who were made nkɔ́ndɛ́ by their husbands: Bolɔ́nge by Bakengɔ́ ba Lokolí of Nsekɛ́; Bokɛ́tu by Ekányaka ɛ́y'ondɔ́kɔ́ of Etɔ́ontálɛ́; Ntsimbo by Bombengɛ́lá of Etɔ́ontálɛ́.

When a polygamist felt a very special love for a slave, and had the means to do so, he would enfranchise her and then pay a regular bride price for her. In order for this to happen the woman's family had to intervene, either on its own initiative or by invitation of the husband. Once the ransom was paid, the woman was free. She returned home, and her husband followed her to pay the bride price; thus she became a regular wife on the same basis [357] as any other woman. The procedure was the same whether the slave had been captured personally by the husband or had been bought or acquired as part of a bride price or by some other means.

Such was the case of Bolɔ́mbɔ́, daughter of Boɛ́kwá of Boɛ́ndɛ́ (Bombwanja), who was taken by Esalɛ́ of Ekɔ́kola and bought by Efoloko of Lofelí. She was enfranchised at her father's initiative, and he subsequently married her off in a regular fashion. Another case was that of Etáka, daughter of Elongama ɛ́a Longɔ́mbá of Besombɔ́, who was married to Bonyongela of Bowɛ́lɛ́. During a war she was taken prisoner by Betɔ́kɔ́ of Ekɔ́kola, who wanted to marry her properly and therefore contacted Elongama. The latter arranged the matter of the ransom and took his daughter with him. Then Betɔ́kɔ́ went to Besombɔ́ to pay the bride price. (1)

[727] 1. Almost all slave women were reduced to their condition, directly or indirectly, because of a war. If they were already married, their marriages were considered as dissolved. Under the circumstances it

567 595x 727

> could not be otherwise. In such matters each group took care only of its own interests; and none of the procedures usually accompanying the dissolution of a marriage were observed. However, the husband was entitled to an indemnity, in the form of persons or valuables, from the member of his clan who had fomented the war and was held responsible for all its consequences, whatever the way in which he had provoked it. If necessary, this member could be forced to pay. If he did not have the means to pay indemnities, he himself was reduced to slavery, if the influence of the families involved did not prevent this occurrence. When the woman was enfranchised and a new bride price was paid for her, her family was expected to reimburse her former husband.

[672]

Since, at present, slavery has been abolished, ransom can no longer be paid. A master who wishes to enfranchise a slave woman who has remained faithful to him, simply gives her family the bride price and then goes with his wife to her home to receive the dowry.

Article VI. Life in a Harem

595x Wives of the same husband address each other among themselves as bakalɛ́ (sing. bokalɛ́). Their husband calls them all baálí, [358] "wives." All except for true slaves are married by means of a bride price. A woman's sons call their mother's bakalɛ́ baálí, "wives," but out of respect toward the older ones

595x at least, they use the name banyangɔ́, "mothers." Daughters use only the second term. (See Chapter VI, Article VI.)

A polygamist may have a house of his own, but he is often
592x satisfied with a shed, where he spends his days when he is not
595 called elsewhere by his pursuits; he eats his meals there, receives his guests, etc. This shed is called ingɔ́mba (or esamba). (1)

1. Depending on the dialect. For other names, see Chapter VI, Article III, 3, note.

exceptionally jɔ́já. The last term refers to the location of this "parlor," which is by itself in front of the row of wives' huts, sometimes in the middle of the street; in rare cases it is placed on the opposite side of the street, facing the women's huts.

Each woman has her own hut, consisting of a fairly large area, open in front, which serves as a kitchen, and a smaller room with a bed. Or she may have a kitchen in the form of a shed, and a separate house a slight distance away which serves as a bedroom.

The huts are placed in a row stretching around both sides of the husband's house, if he has one. The nkɔ́nde's house is right next to the husband's or behind his shed. The bomátsa's is at the far left, and so on. The bolúmbú has no special place. The ebísa's hut is next to her relative's.

Some polygamists are beginning to build double houses. On each side of a common kitchen there are the bedrooms of two women under the same roof. This has been done by Bokwála, the present chief of the Boángɛ́ at Bokála (2). In each double hut he

2. Since deceased.

has placed one elderly woman and a younger one. Thus, he explained to me [359] one day, the old ones watch over the young ones, and as a result there are fewer instances of adultery.

595x A husband has obligations toward all his wives. He must bring firewood to each and take care that each one has her land to

595x cultivate. Whatever food he has been able to obtain (from hunting and fishing, the fruit of palm trees, etc.) must be impartially distributed by the bomátsa. He is required to eat food prepared by each one, either on the same day or, more frequently, each in turn.

595x 833 The same holds true for their intimate relations. He must divide his nights equally among them all and in turn (-kafa mpóngó). Usually he spends three or four nights with the same one. He is not allowed to favor one wife over another. He may add an extra night to the usual number only in favor of the bomátsa or the favorite. If he wants to have continuous relations with the favorite, he goes on a trip with her for a real or invented reason.

Partiality is sharply criticized and gives rise to violent domestic quarrels. It may result in the breaking up and dispersion of the harem. It is very badly tolerated, especially in sexual matters. The husband must therefore watch himself carefully and respect the rights of each and every one. Exceptions are made only with regard to women who occupy a special rank in the harem, and then only with respect to the privileges or duties that go with the position.

On their set nights, the women go to cohabit with their husband in his house. He seldom goes to their houses unless he has no hut of his own. Each wife knows her turn, and none of them are ashamed to let the others know when it comes. On the contrary, it is sometimes in their interest to do so.

595x There is no sharing of property among co-wives except in the case of a bibísa. Each one takes care of her own household, does her own cooking, cares for her own children, cultivates her [360] own crops. Each one has her own tools and utensils. They may help each other if they wish to, however. Especially for fishing they often go together, particularly for scooping ponds.

Article VII. Monogamy

The Nkundó do not esteem monogamy. It is polygamy 595x that they desire. If a man has only one wife, that is because he 522 is poor. Thus he is made fun of and called *etula* or *bololé*, "a nobody," or *bosé*, "a weak man." Songs dealing with this theme [533] can often be heard during drinking parties, especially among the Elinga. All this is a great obstacle in the struggle against polygamy. Not only is the Nkundó tempted by the material advantages of polygamy, [152] but he is unable to bear teasing. He is extremely sensitive to humiliation and is the slave to other men's respect.

In spite of all this, and apart from the influence of the 595x Christian religion, monogamous marriages that were not simply imposed by necessity but were spontaneously desired, have existed in the past and still exist, although they are extremely rare. Here are the names of a few men who wished to remain united to one woman, although they had the means to establish a harem for themselves. I have chosen them at random from two villages: Bo̱njo̱ku-Bonkoso (27 taxpayers in 1931) and Bongíli wǎ Ndo̱ngó̱ together with the affinally related clan Ile̱kó̱ (47 taxpayers in 1931).

Bo̱njo̱ku-Bonkoso:

Esalé éâ Ekutu of Bokenyola married to Iombe of Nkélengo;
Bokató of Bokenyola married to Wanga of Likolí;
Bofanga w'ôfónge of Bokenyola married to Baléngola;
Itéó yǎ Lokékola of Bofétola married to Nkóní of Bongale.

All died before 1895.

Bongílí:

Nse̱nge̱ (still alive) married to Toyôngwa of Elángá. Even when he was widowed, he did not want to remarry, because of his attachment to his deceased wife.
Efoloko éâ Bo̱nkóngyá married to Bambóla of Boálá;
Bo̱nge̱lé̱ married to Bakóká of Bompángá;
Bolómbe̱ w'embengá married to Bokelé of Ekóla;
Lofalanga of Ilekó married to Imo̱te̱ of Be̱so̱mbó. After his wife's death, he remained a widower until he himself died.

515 The others remarried after the deaths of their wives, but always actually remained monogamous, like Eanga ɛâ Jatɛ of Nkɛlengo, who is now married for the third time.

If you ask natives why they want to remain monogamous in spite of their wealth and in the face of the fact that all the polygamists make fun of them, they will answer, "I want only one wife."

"But, after all, why do you want only one?"

Bosísɛ wǎ Njakomba, "God has so ordained," that is, "God has made me this way."

There is no term to denote monogamy. However, a woman who is her husband's only wife is called *impɔ́mbonjemba*, a word the last segment of which means "bachelor." A monogamist is sometimes called *yunama*, a noun derived from the verb *unama*, "to be inclined, bent toward," because he is always leaning toward the woman, who is continually at his side. The term is used to tease him, but figuratively it very well expresses the special affection of the husband for his wife, and which deserves to be preserved and honored in this way. [362]

Article VIII. The Women's Attitude Toward Polygamy

Before the arrival of the Europeans, polygamy met with no opposition or contradictions of any kind. It was considered an entirely natural and normal condition. I imagine that the Nkundɔ́ who heard the first attacks on this deep-rooted custom must have been more than astonished. But it is difficult to tell what the women thought in those past times. Thus we will do better to examine current present-day facts in order to deduce what they now think of their position in the harem, although from the psychological standpoint this is a very delicate question.

Note first of all that it is impossible to give a general rule; all men are not made from the same pattern. There are women who like to be part of a harem. Others prefer monogamy, either because they oppose being handed over to a man who is already married, or after coming to blows with their husband, they make

595 arrangements for a regular marriage with a lover, or they leave the polygamist under the protection of the Whites to go to a center or a mission.

1. A preference for monogamy

595 797 We will not deal with daughters of Christian parents under this heading, in order not to falsify the problem, which we are discussing from the psychological, not the religious point of view.

1) Women who oppose being handed over in marriage to a man who is already married are rare. It is possible that such a refusal is due to one of the following causes: the desire to be bolɔ́mbɔ́ (or ɛ́fɔ́tswɛ̂ɛ́la), (1) a natural desire for complete freedom, an antipathy for the suitor, or an abnormal constitution. Such cases must be [363] eliminated, since they prove nothing for or against the question raised.

But there are other instances where marriage is clearly postponed for the sake of entering into a monogamous union. Yet, under present circumstances, the desire to embrace the Christian religion is almost never absent. I have known several cases of adult single women who came to the mission to be married there while preparing for baptism. Most of them did not have the courage to persevere, however.

A greater number remain with their parents even if they want to be admitted to the Church. The life of single women at the mission is not exactly the easiest, either from the material viewpoint or as regards freedom. For even a sincere desire to participate in a monogamous union does not exclude human weakness or constitute a certificate of saintliness. These girls remain subject to the impulsiveness of their passions. It is quite true that even at the mission they can find the means to satisfy it, for it is impossible to watch over them to such a point that they would be unable to escape. But precisely because of this surveillance, which is close in spite of everything, they cannot freely let themselves go. While at home no one pays any

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1. See Chapter I, Part 1, Article II, and Part 2, Article III.

595x 797 attention to their deviations, at the mission the discovery of any misconduct results at least in a reprimand, which is always disagreeable, and often in a fairly long postponement of the baptism they ardently desire. Therefore these women usually prefer to circumvent the difficulty by waiting until a young man who is Christian or a catechumen asks for them in marriage.

595x 2) Most girls do not oppose polygamy. Education and traditional custom do not lose their power in a few years. Besides, the girls are often not really aware of the exact situation at the time they are asked for in marriage. Later, [364] when polygamous life no longer satisfies them, they try to arrange a marriage with a bachelor.

In a number of cases the decisive reason is the desire to [797] become Catholic. In others, religion does not enter into consideration. Only those can be examined here, for the value of the first group is greatly reduced by the presence of the religious motive.

If a woman leaves her husband because of personal antipathy to him or certain of her co-wives, and not because of any opposition to the system of polygamy, she takes the easiest and most direct way out by going to another polygamist, who has the means for repaying her bride price. This occurrence is more frequent than the preceding ones. Therefore we can make a division between the two possible situations and conclude that a preference for monogamy is present when a woman leaves a polygamist to marry a bachelor.

3) Other women take advantage of the freedom that colonization has produced by going to live with a bachelor in one of the centers. There may be a variety of motives behind such an action: a desire for luxury, a desire to be united to a man whom they love but who does not have the necessary wealth to marry them in the usual fashion, or a real desire for a monogamous union. (1) Today the last reason is rather rare.

1. At the present time the flight toward the centers has already become difficult,

595x but it is still possible. Everything depends on the degree of surveillance of the authorities. In large settlements their task is not always easy.

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791 4) A woman who abandons her polygamous husband and asks to be admitted to a mission may be motivated either by an aversion to polygamy or by a religious reason. First of all, we must make a distinction here between Catholic and Protestant missions. For if the woman goes to a Protestant mission, it is possible that only the first motive is involved. [365] For the Protestant mission accepts wives of polygamists for baptism without requiring them to break with the custom. Only the husband is excluded. (1) Therefore, they do not leave him when they become Christian but continue participating in the life of the harem as before. Thus, if any of them go to the Protestant mission all the same, we can conclude that they do so solely out of a preference for monogamy. But I do not know whether such cases actually occur, or in what proportion. It is to be hoped that a Protestant missionary will examine this exceedingly interesting question.

With reference to the Catholic missions, one or the other of the two motives may be involved. Usually both are present in the same person, for the Catholic religion does not permit polygamy either on the part of man or woman. According to the colonial law of the Congo, a woman has the right to break a polygamous union for the sake of a monogamous one. The polygamist's wife who asks to live at the mission wants to become Catholic and at the same time to contract a monogamous marriage. She has both objectives in mind. Persons of this sort must therefore be excluded from our discussion. As a matter of

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1. I am speaking only of the specific region with which we are dealing in this study. Therefore, generalizations should not be made from these statements.

595 fact, women who do not wish to become Catholic take the paths
[787] described in 2) and 3).

5) There are even women who prevent their husbands from becoming polygamous. If he loves them a great deal, he will yield in the end, even if personally he would very much like to build a harem for himself. This was done by Mputɔ̃ (recently deceased, February 3, 1933), wife of Bofɛ́nda, chief of Ekũkola. Bofɛ́nda was rich and tried more than once to acquire other wives. He even took them home and paid the bride prices -- for example, for Ilo̱a of Bongíli. But Mputɔ̃ made life unbearable for them and thus forced them to leave. She absolutely wanted to keep her husband, [366] to whom she had given two boys and three girls, for herself alone.

We can therefore conclude that among a minority of Nkundɔ́ women there exists a real preference for monogamy, even if we leave out of consideration all those who may be impelled by religious reasons. But most of them are in no way opposed to polygamy.

2. A preference for polygamy

Most Nkundɔ́ women like polygamy and prefer it to monogamy. They make fun of a impɔ̃mbonjemba and are proud of the large number of wives in their husbands' harems.

Their indifference or aversion to monogamy can be explained on the basis of habit or atavism. But what is the basis for their marked preference for polygamy despite all its disadvantages? I asked this question of a number of polygamists' wives. Naturally, they first invoked the custom, (1) except for those who had known me for a long time. But the serious reason they gave was the greater comfort of life in a harem.

[609] 1. This is the standard explanation a native hands out to a foreigner or to someone he does not know or by whom he thinks he is unknown.

595* Since there are many wives, they have much less work in preparing the husband's food, regardless of whether the co-wives divide the days among themselves or cook for him every day. Therefore, the fields they have to prepare and care for are less extensive, there is less firewood to fetch, less manioc to soak, fewer vegetables to grow, etc. On the other hand, if a monogamous husband has visitors, his wife's work never ends.

In addition to this reason there is another, which is not admitted but is given categorically by impartial natives; it is freedom or license. The wife of a monogamist is always bound to her husband and can absent herself [367] only with difficulty. Her husband wants to have her near him, both for food and for conjugal relations. A polygamist's wife is a good deal freer. Even her prolonged absence does not disturb her husband unless he suspects infidelity or is excessively jealous. Furthermore, [837] since the various wives have their specific nights, she has more freedom to give herself to her lovers. For many wives this is the chief reason for their preference for polygamy -- we are speaking, of course, of the situation today.

Article IX. Children of a Polygamist

The various children of a polygamist live with their respective mothers, who must provide their sustenance and bring them up. Usually the other wives are strangers to them, and their contacts with them are not much more frequent than with the other women in the village. If a special affection binds their mother to her co-wives, children also become involved, just as they are involved in the antipathies, dissensions, and rivalries of the harem. Usually they respect their father's wives, especially the elderly ones. But later a boy may allow himself to be carried away by passion and have illicit relations with one of the younger wives.

595 Since each child remains with its own mother, and the father visits her only intermittently, a child's affection for the father will be less than that for the mother. The larger the harem, the greater the distance between the children and their father. Nevertheless, they respect and love him, and some of them may become very much attached to him. But paternal authority and affection develop with much more difficulty than in a monogamous household.

Among themselves the children treat each other as brothers and sisters. But children of the same mother have a much more intimate love for one another [368] than for the rest. Each wife's children form a small separate group, more united among themselves. All their lives they make a distinction between "brothers and sisters through the father" and "brothers and sisters through the mother." But apart from this difference, they love each other truly and sincerely. Certainly, the rivalries of their respective mothers are communicated to them, but once a matter is settled the incident is closed, and they continue to feel that through their father they are of the same blood.

In the more or less distant future, their posterity will form separate and distinct families because, although they are children of the same father, they were born to different mothers. In the tribes under discussion, the rank their female ancestors occupy in the harem produces no special distinctions among their posterities, as is true among other Nkundó groups (for instance the Boyɛ́la, where a distinction is always made between *ilɔ́me* and *iɛ́li* families (that is, families of the left and right). The distinction on this subject made by Father Schebesta (in *Vollblutneger und Halbzwerge*, p. 234) is erroneous. The term *etɔ́o* and *nkɛ́sɛ́* have only the first meaning he assigns to them, that is "male line" and "female line."

The children of a wife and those of her *ebísa* are considered uterine brothers and sisters. Therefore -- even after their mothers' death -- they continue like them to receive the same single portion in the division of game, etc.

595x 554 In little domestic quarrels, the bomátsa's children like to take advantage of the top rank occupied by their mother. Later, they will have the right to priority, before their brothers, in matters of inheritance and family authority.

595x 567 578 The children of slave women are loved by their father in the same way as their brothers and sisters. However, they are often the object of manifestations of contempt and humiliation on the part of others, especially verbal ones, but only when disputes arise. In particular, they have to submit to the insult of having it said [369] that they are without bonyangó, "a maternal clan." This is one of the most serious insults that can be inflicted by a Nkundó. Nevertheless, their father protects them as much as he can.

[428] The child of a slave woman has no right to an inheritance. Clearly, he lacks for nothing. But he has no political rights, even if he is his father's first-born.

595x 567 The posterity of a slave are not considered as such in matrimonial matters, as we have pointed out in Chapter V, Article II. If the groups descended from free women are extinct, the rights of the clan are inherited by the posterity of a slave, to the exclusion of related clans whose ancestors were entirely free.

595x What is the effect of the system of polygamy on the birth rate? There has been much debate on this question for it is very difficult to answer. Complete statistics well compiled from detailed methodical lists would be necessary. For it is a fact that in many monogamous households the woman is the former wife of a polygamist and for that reason can no longer be counted as a monogamist's wife. In addition it would be necessary to exclude from monogamous households those women who did not marry until an advanced age, after having lived freely for a fairly long time, for example in the centers.

In my opinion the birth rate is endangered above all by the need for individual love and the difference in the ages of the spouses, which is inseparable from the system of polygamy as it now exists. The polygamist's wife instinctively seeks another

595 man who corresponds better to her heart's desires. In the past, at least in small-scale polygamy, the situation was not the same as it is today. Because of the constraint of traditional laws, limited freedom, lack of good communications, a husband's respect for his young wife's body and the lack of venereal diseases, conditions must have been much more favorable to the birth rate. [370]

Article X. Causes of Polygamy

Under this title we can deal with two quite different and distinct things: 1) the motives that push the Nkundó toward polygamy; 2) the causes that led to the origin of that practice.

The first question can be answered through a methodical observation of facts. The second, on the contrary, is in the realm of history. Thus the two do not coincide in any way, and it would be a mistake to confuse them.

Only the ethnographic problem falls within the framework of this study. But our conclusions can help to explain the historical documents, if any exist, or to clarify a hypothesis concerning the origin of the practice in the past.

What are the reasons by which the Nkundó justify practicing polygamy? They are: 1) social influence, 2) fame, 3) concern over keeping the capital in the family, 4) precautions against a wife's illness, death, or divorce, and 5) the desire to increase the number of children.

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1) A man's social influence grows in proportion to the number of his wives, for they and their children's marriages increase the number of his affinal relationships with other clans. These strengthen his military position. Furthermore, through the system of official concubinage -- which is impossible in a monogamous system -- he can secure dependents.

The more wives a man has, the more he is respected, listened to, and feared. This correlation is neither necessary nor infallible, however, for a polygamist of weak character may have

595x 556 less influence than a monogamist or bigamist who is intelligent and fearless. And in the present circumstances one meets monogamists who, because of either their economic situation or their social or political position, enjoy a much greater authority [371] than many polygamists. Intellectual and moral superiority on their part is beginning to make its value felt.

2) Fame and vanity. Because of the very nature of the marriage system, which is intimately bound to -- not to say based on -- financial transactions, the number of wives determines the extent of a man's wealth. And here as everywhere wealth has a fascination; it is considered a mark of superiority. Vanity seizes upon it. And since the possession of wives is the most obvious expression of wealth, the Nkundó see it as a superior means by which to acquire great renown and an illustrious name.

3) A concern over keeping the capital in the family. Personal wealth consists almost entirely of metals (especially copper) and domestic animals. Thus this is the capital involved in the financial transactions accompanying marriage, and in that way it is invested with interest (children, work, influence).

595x 556 157 Like all pagan people the Nkundó are essentially covetous and egoistic. They do not like to give but want everything for themselves. Except for persons to whom he is bound by natural ties or sincere affection, a Nkundó does not help others except through interdependence or in the hope of reciprocity in some form or other. Thus when he possesses an excess of wealth, even [431] if it is considerable and entirely superfluous, he does not yield it. The idea would never occur to him to give a few copper rings to an indigent bachelor, for example, if he is not forced to do so because of interdependence in the family. Thus, if there are more girls than boys, the excess bride price will be used by him to augment the number of his own wives. For in order that his daughter not be deprived of her nkita, the bride price received must be used again as a bride price. Note that this reasoning has but a limited validity. It is a fact that the ancient custom [372] was for the father to take all his daughters' bride prices for himself, as we have seen in Chapter IV. He did not become polygamous because of excess [bride price]; he was polygamous before his sons married.

595x 556 Even if a fortune was acquired through a man's own efforts, he would reproach himself if he did not make productive use of it for himself. And under the circumstances the surest investment is in a harem.

Finally, since a wife represents financial value, the Nkundó likes to inherit those of his deceased relatives in order to incorporate them in his own harem or to obtain the means of enlarging it by means of them.

That is the explanation for the Nkundó statement that the wealth of the family (lokutu) cannot pass into the hands of strangers. It is not only a personal desire that impels them to act in that manner; but they feel the collective will of the family behind them. And in this will, as well as in the reprimands and the teasing which are inevitably the consequences of a more independent attitude, lies one of the chief causes of so much backsliding on the part of men who seem permanently won over to the practice of monogamy.

595x 4) A precaution against accidents, such as illness, death, or divorce. This reason is often given: "What would I do," they say, "if I had only one wife, and one day she fell ill, left me, or died? I would be alone. There would be no one to take care of me or feed me. The Whites have their "boys," but we Blacks have only our wives." This reasoning is not without validity, but it does not seem to express the whole truth for, although nothing surpasses his own home for meals, a bachelor can always count on the kind assistance of his female relatives and sisters-in-law. The chief argument is more from the sexual angle. [373] It is not unusual to find women who advise their husbands to take a second wife for that reason. In case of divorce or death the difficulty can be solved through remarriage. But this imposes a certain delay for the collection of bride-price valuables and, above all, for the negotiations. In the case of illness the difficulty is much greater.

In any case, such accidents cannot justify true polygamy, for bigamy or trigamy would be quite sufficient to avoid the inconveniences cited. And yet no one seems to be satisfied with two or three wives when he has the means to acquire more.

595* 842 5) The desire to increase the number of children is one of the reasons most frequently given; it is the chief, and sometimes the only, one cited by ethnographers. There is no question that it has a great deal of validity, for the Nkundó like to have many children. It is one of the things on which they pride themselves as well as a powerful means for reinforcing a social position (and we are thus led back to the first reason cited).

The question of knowing whether polygamy actually does favor the birth rate is irrelevant here, even if the results of a comparison were clearly against this system and were it proved that "the more wives a polygamist has, the fewer children he has." For the Nkundó never make this statistical computation. He sees only the principle: several women give more children than one. And for them, that is the gist of the matter. Furthermore, the interest of the people as a whole does not appear on the [157] horizon of the Nkundó's thoughts and feelings: they think only of themselves, and in their egoism, they consider only their own interests.

595* 831 6) To all these reasons given by the Nkundó to justify the practice of polygamy, we must add a sixth, which they never mention, sensuality. Without colonization it would have been difficult for us to make this statement. [374] But the new state of affairs shows several flaws in our people's arguments. We have already pointed out some of them. Furthermore, all the reasons mentioned up to now do not suffice to account for the existence of polygamy. They do not explain why in the past the old men wanted to keep all the women to themselves, or why a given individual becomes a polygamist. It is a fact that for more than one man none of these alleged reasons have been involved. It is also known that several natives have acquired fortunes by European work (as clerks, salesmen, traders, etc.) in order to be able to establish a harem, though there could have been no motive of vanity or gain in social influence. On the basis of my knowledge of circumstances, persons, and places, I am convinced that even for some natives living in their villages, the primary purpose was clearly sexual. I am acquainted with more than one such case.

595 x 831 And it is not difficult to understand this fact. For indeed polygamy constitutes a legitimate and easy means by which a man may enjoy several women without being bothered by palavers, difficulties, etc. The mentality of many men who care little about moral laws as well as the tendency of a disordered instinct to multiply its objects only confirm this observation. Often one sees men who were monogamists at first begin by taking a second wife out of passion. Then gradually their passion becomes greater rather than appeased, and so a harem is built up progressively.

595 x 178 The changes introduced by colonization in the economic life of this people have not resulted in a decrease of polygamy. In the absence of exact figures we must be satisfied with simple visual observations, but in certain regions one has the impression that the harems have become smaller but, on the other hand, that the number of polygamists has increased, and therefore [375] the desire for polygamy, that is, its affective cause, has [651] not diminished. Nor does the extra tax frighten or stop the polygamists. The great means for changing the Nkundó attitude in this realm will always be the action of the missions and the penetration of Christian ethics, seconded by a government attitude favoring monogamy. (1)

[648] 1. The favorable attitude of the colonial government toward monogamy is expressed chiefly in the permission given to a polygamist's extra wives to abandon their husband in order to contract a monogamous union, preferably in a mission, under the supervision of missionaries.

[177] Another means, undoubtedly secondary but still important, is the example of European couples. The Blacks are imitative, and native women envy the lot of the white woman, so that European households are propaganda for monogamy when they behave well.

Chapter VIII

Divorce

586× In Nkundó law there are two ways of breaking up a marriage. divorce and death. We will discuss these in two separate chapters.

In divorce a marriage is dissolved either through a reimbursement of the bride price or the substitution of another wife.

[768] In the case of death, on the other hand, there is no bride price reimbursement; the wife's death ipso facto dissolves the marriage. The husband's death, on the contrary, does not dissolve it; it is continued with the widow until her own death or until divorce. (1)

1. This statement is to be understood in accordance with the explanation given in Chapter III, Article IX.

Article I. Reasons for Divorce

The Nkundó believe that a marriage can be dissolved. This cannot be done freely at the desire of the contracting parties but must conform to a procedure an essential component of which is the participation of the ndonga. It cannot be dissolved because of trivialities, but only for serious reasons, or at least reasons that appear serious to the natives.

The valid reasons for divorce can be reduced to the practical impossibility of the couple's continuing to live together, such as. 1) serious and repeated failures to fulfill conjugal duties, and especially any incorrigible tendency to adultery; 2) an incompatibility of temperaments which results in disputes, quarrels, and rows; 3) a grave and incurable illness. /377/

The first two causes inevitably lead to divorce. In the case of the third, a distinction must be made between a husband's illness and his wife's.

If the husband is ill and his wife abandons him for that reason, the divorce becomes complete when she remarries.

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672 If the wife is ill she may have become ill at her husband's home or elsewhere and these two possible situations must be considered separately. In the first instance there is no cause for divorce, since responsibility for her illness rests entirely with the husband. On the other hand, if the wife contracted her illness while staying with her family, the family must shoulder the responsibility, and if her illness is incurable, the husband can have recourse to divorce. But this is not so if the wife has gone to her parents' home in response to her husband's express order, or if she ran away from the husband's for reasons which are just and reasonable. Some situations may give rise to violent disputes. Such is the case, for example, of an illness during a visit undertaken at the wife's own initiative but for the good of the husband. Theoretically, he should win the case. Also, a stay of twenty-four hours is not considered sufficient to place the responsibility for the illness on the wife's family. (1)

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1. For details see Chapter VI, Article III, 3 and 4. See also Chapter IX, Article X.

586x The difference between the consequences of the husband's illness and his wife's is of a practical nature. A husband who suffers from an incurable illness or one that takes too long to cure is usually (though not always) abandoned by his wife. If no other man pays a bride price for her, the marriage continues. If the woman finds a lover, he pays the bride price, which is turned over to the first husband, completing the divorce. But it is not possible to say that the man's illness _per se_ is a cause of divorce, for the wife is under an obligation to take care of a sick husband. [378] But in practice neither of the two families involved demand the application of this law. All yield to the wishes of the woman, who will refuse to continue a union that has so little attraction for her.

Thus illness is not a legally valid reason for divorce. But in practice it is recognized as a situation that can result in the dissolution of a marriage.

[842] Although the Nkundó ardently desire children, sterility

586x 842 is not invoked as a reason for divorce. Yet there are many sterile women. To obtain the fulfillment of his desires, a man will have recourse to polygamy. He will try to obtain the valuables he needs in order to acquire another wife. If he does not have the financial means, he could make life difficult for his wife through petty annoyances and meanness of the kind that are not likely to place him in the wrong. In that way he could drive her into leaving him, and thus recover the cost of the bride price. But such behavior is only hypothetical; it could happen here and there, but I know of no instance. In any case a husband never invokes sterility in order to break up a marriage. Therefore, contrary to what happens elsewhere, the question is not raised in Nkundó law.

586x Included among the factors that make the continuation of marriage impossible is a husband's violations of sexual prohibitions during pregnancy or after childbirth, exposing the wife to mortal danger. For through his misconduct the husband becomes guilty of an implicit repudiation, and the wife's father will make use of his right to protect his child's life. (1)

1. See Chapter X, Article II, 3.

The remaining reasons are those given at the beginning, which can be reduced to the impossibility of continuing the marriage due to an incompatibility of temperaments, the cooling of love, serious offenses, especially if repeated, [379] serious and continual failures in the performance of duties, and faults that dishonor the culprit. (1) The habit of stealing, in particular, must be mentioned in this last category. Women who steal, even small things like manioc, fish, or meat, end in provoking most husbands' antipathy

1. For example, adultery with a relative by marriage -- see Chapter VI, Article V, 2, and Chapter V, Article IV, no. 2., ex. 17.

586 x if they do not break themselves of this fault and, then, are detested. The result is endless palavers and quarrels, which inevitably lead to divorce. For this failing is considered very shameful. Note that laziness or heedlessness in a spouse may also lead to divorce.

Divorce is frequent among the Nkundó. These people do not try to correct their failings by the imposition of any restraints. As initial love gradually becomes less passionate, continual daily contact makes the less agreeable sides of a person's temperament more apparent. And when it is not tolerated or gives rise to serious wrongs, the marriage inevitably breaks up. There are more divorces in marriages by inheritance and substitution than in marriages through a direct payment of the bride price.

The preceding data show that although the legitimacy of divorce is accepted in Nkundó law, its acceptance exists only because it is necessary, so to speak. As a matter of fact, before a situation reaches that point, the difficulties have been obvious for a long time, and the parents and especially the ndonga will have had to intervene more than once in order to re-establish the troubled peace and strengthen the tottering union. They only give in when there is no possibility of settlement. [380]

Article II

Ways of Dissolving a Marriage

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The simplest and ideal manner of dissolving a marriage, so to speak, is a separation with the consent of the families involved and especially of the ndonga. At the present time it is the only procedure -- except for running far away -- that is permitted. Since the reorganization of districts, however, the chiefs and the courts have more and more monopolized, or had assigned to them, the function of official witnesses. (1)

1. It is not my intention to deny the right of the chief and the courts to intervene in matrimonial litigation,

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> for this right was recognized by the written laws which have assigned the functions formerly exercised by the "fathers" of families to them. But they are required to act in conformity with the common law, and therefore to listen to the ndonga and report to him.

Before colonization the Nkundó often used other means.

586ˣ Before exploring the question of bride-price reimbursement, we will examine these various actions. For greater clarity we will distinguish between the customs of the pre-European regime and actual practice. Two specific cases will be described at the end.

1. In the past

Let us again make a distinction between two situations:

A. First hypothesis: a wife left her husband. She ran away to her family, first informing the ndonga. If she did not go to him but went straight home instead, the ndonga felt that he had been disregarded, and serious consequences followed, for he inevitably found her in the wrong. That is why this situation very seldom arose. [381] The woman explained her conduct to the ndonga. It was his duty to reconcile her and her husband. A divorce never took place without many interventions on the part of the ndonga.

[721] 1) If in spite of all attempts the woman was absolutely unwilling to stay with her husband and definitely left him, the result in most cases was war, unless, of course, the husband also did not care to continue the unhappy union. In such a case he was satisfied with claiming a reimbursement of the bride price. The war, like all others, ended in peace and indemnification; nothing further was discussed. The war was fought against the woman's clan if restitution of the bride price was delayed or not made. However, if the woman went to another man without first going to her family, the abandoned husband declared war on his rival and left his parents-in-law in peace.

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682 2) Sometimes the abandoned husband took revenge on his rival by assassinating him. If the possibility was open to him --

586ˣ and this was generally the case -- he did not kill him personally
682 but assigned the task to someone else -- his son, his younger
[563] brother, or nephew, etc. Preferably, he hired a Botswá. The price for this service was 20 copper rings, the sum of the bride price paid
[672] for a Botswá woman. Nkundó law places the entire responsibility for an assassination and all its consequences upon the person who orders it performed. Certain of the Batswa specialized in this field. Among them (of those dependent on the Bombwanja) were Esenge of Bokengé, Mbólókó of Bombembe, Wai w'ìtúmola of Bakoyó; Lǔwá jw'ìtómbengándá (died in 1933) also of Bakoyó; Botómba wǎ Lokio and Mpótó éy'Ilókó of Mbanja (still alive).

The scorned husband had still other means of taking revenge
586ˣ or obtaining indemnification. He made use of them only if the occasion was favorable or if he was not in a position [382] to go into expensive adventures such as a war or an assassination. They were the following:

3) Ikákelo: (1) A relative of his who was married into the unfaithful wife's clan could be prevented from returning to her husband.

4) The seizure of one of the wives of his recalcitrant father-in-law, or of one of the latter's relatives. This action is called by the generic term lowáála, which signifies "compensation." (2)

The prisoner was usually put in an etáka (a wooden fork fastened to the neck) (3) to prevent her flight and hasten the reimbursement of
[567] the bride price. If the matter was not settled she became a slave.

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1. See Chapter III, Article VI.

2. The woman who was seized was called nginda and her descendants, if there were any, were known as bonginda.

3. See Chapter VI, Article VII, 4, A, b), (1).

586x One way or the other, the question was thus settled for both sides.

The term universally employed to signify the breaking up of a marriage by the wife is *bokófo*, derived from the verb *kófa*. This word is not used for a wife's repudiation by her husband. Therefore, its meaning is not equivalent to "divorce"; it means rather "to break the union with the husband." The transitive causative form (*kófya*) means "to provoke this break." It actually does happen that the woman's family causes the dissolution of a marriage for the sake of a more advantageous union. This should be understood in the context of what we have explained concerning reasons for divorce. Serious failures in the husband's fulfillment of his duties to his parents-in-law are mainly involved here. The [587] remarriage of a divorcée is described by the generic term *kumbwa*, "to be married to someone."

B. *Second hypothesis: a husband wanted to get rid of his wife.* Old natives stated very categorically that such behavior on the husband's part was due not to the cooling of his love, but to [383] incorrigible conduct on the wife's part. He was reduced to this extremity by the impossibility of continuing conjugal life with her.

586x 584 He did everything in his power to forestall the flight of his wife by making the first move. After having vainly tried to bring her around through the intervention of her parents and especially the *ndonga*, he had recourse to one of the following means, which he could in fact use successively. But first he was required to inform the witness and to obtain his approval as well as that of the family authorities. The measures were as follows:

a) *Submission to the etáka*, a heavy wooden fork fastened to [584] the neck. When the husband has placed the *etáka* on his wife, the *ndonga* informed her parents of what had happened. They could then come and free their daughter by returning the bride price. If the husband applied the *etáka* against the wishes of the witness, the latter could release the prisoner. But in so doing he became guarantor of the reimbursement of the bride price; he became personally responsible for it.

586x The husband was authorized to keep his wife under this form of torture for months. If his parents-in-law would not or could not

586* make it possible for him to recover his claim, he had recourse to the second means:

b) Reducing his wife to slavery (bonvamó, from the verb
586* nyamola). The husband had the right to use this means immediately,
587 without having first tried the étaka. But such action was not approved of and was undertaken only if the woman's family were themselves exasperated by the endless suits and the continual shame that their unworthy daughter caused them.

[721] The reduction of a woman to slavery usually caused a war, for her clan would not put up with such an insult. In some instances they did not seek revenge, however, either out of fear, because they did not feel in a position to resist, or because they recognized that the husband had good reasons for what he did. [384]

The woman's relatives could subsequently buy her back. (1)

[181] 1. If the Nkundó sold an Elinga woman into slavery, her people never troubled them with a war. For they did not know how to attack, were not good at marching, were strangers to the forest, and were inferior in military valor. Therefore they were satisfied with buying back their kinswoman.

In some instances, not wanting to be exposed to further palavers or further shame caused by their daughter's continued misconduct after having bought her back, they left her to her fate. Their love for their child and their desire to preserve their honor and good reputation were in conflict, and which of the two sentiments triumphed depended on circumstances of men and things. In such a situation, as with respect to theft and other habits that brought dishonor, it was not rare (nor is it even today) to find that the desire to preserve honor triumphed over affection or financial interests.

[584] Before reducing a wife to slavery, even more than before confining her to the etáka, a man was required to communicate his intentions to the ndonga. Otherwise, the latter would declare war

586ˣ on his own authority, for the offense was considered very serious.
[584 We can assume that the reason for this rule was to allow time for
[567] the woman's family to intervene and keep their daughter from becoming a slave by refunding the bride price paid for her.

c) In exceptional instances an exasperated husband resorted to the immolation of his wife when someone died. People cite the case of Bengóngó of Bongilá (Besombó, Bombwanja), who had his wife, Litûli of Bontole, decapitated at the ikweí at the death of his father, Bengóngó byá Yese.

If the woman had children old enough to intervene on her behalf, her husband could be prevented from carrying out his violent intentions. The proverb says, Mbótsi ntáwáká, "a mother
[599] does not perish." The husband also abstained if the woman had
[595] a co-wife (ebísa) who was her sister or other close relative -- either out of a feeling of shame, [385] or out of fear of undesirable repercussions. Sometimes, when a husband was caught between his wish to use the etáka and his shame or his fear of the ebísa, he hid
[601] the wife who was confined by this fork. Preferably, he asked a brother-in-law to give her hospitality. In that way he got around the difficulty to a great extent, because through the law of exogamy such an arrangement placed the wife in another village, sometimes a considerable distance away. This practice was called isángyá; tómba walí isángyá.

Instead of resorting to the procedures listed, a husband could
586ˣ also place his wife in the hands of the ndonga. However, it was a
584 very unusual thing to do. The natives maintain that such action was due to a lack of affection for the wife, together with the husband's certainty that he could recover his valuables -- either because he was assured that his father-in-law was well disposed toward him (and would reimburse him or provide a replacement), or because he knew he could use the ikákelo.

As we have said, direct repudiation was extremely rare. Here we are not speaking of repudiation caused by a wife's incorrigible misconduct -- which we have just discussed -- but of repudiation against the wife's wishes. If it did occur the husband was expected to hand her over to the ndonga, and the latter, seeing

586x that there were no further means for a reconciliation, returned her
584 to her parents. No violence was used against her, nor could the husband demand an immediate and direct reimbursement of the bride price. The husband had to wait until the wife he had repudiated found a new husband and the latter had paid a bride price for her. If the parents-in-law showed ill will toward him, however,
[721] they could expect a war.

The *conclusion* that can be drawn from the preceding data
586x is that although Nkundó law is very severe against the wife who does not acquit herself of her marital obligations, it does not leave the husband entirely free to do as he pleases. Ancestral law demanded grave reasons as the basis for any measures he took against her, [386] and the application of this law was well regulated. The differences between the various situations are an eloquent demonstration of this fact.

As we have seen above, the term *bokófo* is not applied to repudiation by either party. In the case of the husband the Nkundó say that he *atóna*, "no longer wants her"; the noun is *lotóno*. This term does not apply specifically to this situation; it refers to any person or thing one does not want. The special manner in which the wife is sent back by being handed over to the *ndonga* is also called by a generic term *émola*, "to cause to start moving, to make go away"; the noun is *njémó*.

2. At the present time

586x Considerable changes have been introduced as a result of
178 colonization. Wars, torture, human sacrifice, and slavery have been abolished. The possibilities are now reduced to the woman's flight, with or without notification of the *ndonga*, or a repudiation pure and simple. The intervention of the *ndonga* is only rarely omitted; it is still considered important. As a matter of fact, it would be against his financial interests to make an enemy of him. A woman who leaves her husband returns home, goes directly to another man, or lives a debauched life in some center, large or small. There is nothing left but to proceed with the refunding of the bride price. Thus everything is reduced to its simplest form.

A Nkundó woman is held back only by the fear of punishment and other consequences of her action, or by her love for her husband.

586 In the past, when that love began to cool or became less passionate,
178 fear caused her to make an effort and frequently everything was put in order again. Modern freedom, on the contrary, invites her to break all fetters. As a result, a temporary annoyance which in the past would have been taken care of, or some domestic difficulty that would have been smoothed out under the old regime, nowadays is enough to break up the marriage permanently. [387]

Thus it is understandable that the substitution of the present state of affairs for the ancient customs has caused divorces to increase in scandalous proportions.

The arrival of Negro soldiers (strangers or men from the Congo) dealt the first blow to Nkundó family organization, and the blow was almost fatal. Native authority, which was familial and patriarchal, was abolished from the outset. The chiefs who were subsequently set up by the European power had more to worry about than the preservation of marital morality, even when they did not tend (as was unfortunately too offen the case) to favor easy divorces in order to appropriate the women themselves and thus build a harem. The colonial administration found itself faced with the unknown. It took them time to learn about the past and present situations. Furthermore, the administration was occupied with other problems: the pacification of tribes, the stabilization of the occupation, assistance to the colonization that was just beginning, to trade, and to missions, as well as the various organizations, roads to be opened and maintained, etc. In addition the work involved in the establishment and development of centers, the police, the various forms of transportation, the establishment of industry, and the religious misions drew away from their usual surroundings a large number of young people who needed companions, real or substitute wives to satisfy their passion. All this caused great ravages in native society. Morality suffered greatly, and consequently so did the birth rate.

In the course of recent years, however, things have become more normal and stabilized, and the colonial administration has begun to repair the wrongs it caused. This complete change must be whole-heartedly applauded. The efforts that have been made to check the chaos of family affairs and put it in order can have nothing less than full approval.

586 692 178 In spite of the opposition of several old-fashioned chiefs, [388] the native courts that were recognized or established by the decree of 1926 have begun to make use of the powers the government has assigned to them. They are called upon to play a great role in setting matters right, especially if their work is closely supervised and regularly checked. To accomplish this end, these courts must continue to act in the spirit of the ancient laws, taking into account only the change in circumstances (1).

(1). See Chapter VI, Article VII, 7.

586 178 The chief measure for the restoration of order advocated by the natives is the imprisonment of the wife who attempts a divorce. This practice would be a continuation of the custom of applying the etɔ́ka and an adaptation of it to present circumstances. Like the former practice, it would have a double effect: it would restrain flightiness and license, on the one hand, and, on the other, it would ensure the reimbursement of the bride price in cases where no reconciliation is possible. But its execution would be taken out of the husband's hands and handed over to the chief. Europeans who are in contact with the natives and concerned about the social order also favor this evolution of the common law.

Another way of combating such a situation would be the use of pressure against the guilty woman's parents, chiefly through the imprisonment of her mother. This measure has no basis in ancient law, except for war -- which did not touch the mother and actually was only moderately useful -- and the system of compensation (lowɔ́ɔ́la) -- which depended on the availability of opportunities and was used through the husband's own initiative. This practice therefore cannot be approved as such, but it might be acceptable in cases where the parents are really at fault. For instance, they may have in one way or another incited their daughter to break her marriage although she had no acceptable reason for doing so, or, although a legitimate declaration [389] of divorce has been made, they might refuse to make restitution of the bride price. (1) And

(1). A drastic and indiscreet application

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> of this rule, however, could trouble the religious feelings of native Christians and thus produce an effect that is the reverse of the one desired. A religious marriage is in fact indissoluble, and in such cases the obligation to make restitution would be equivalent to a recognition that a religious union could be dissolved. And not only would the native consider this an opposition between the public authorities and Christian morality, but in addition the stability of marriages in general would greatly suffer.

here it must be noted that certain parents use hypocritical circumventions rather than openly showing their refusal. This is how they go about it: if the woman has really abandoned her husband and he, for good reasons such as those given above, no longer cares for his wife with whom he can no longer live (especially if he is monogamous), the question of reimbursement arises. The woman, in connivance with her parents, who do not want to make restitution of the bride price, publicly and officially declares that she is not leaving her husband and wishes to return to the conjugal household, whereas her only intention is to help her parents avoid paying the bride-price valuables. In time she will manage to get out of it one way or another.

3. Special cases

586x There are some rather special cases in the dissolution of marriage. The first has occurred more frequently since colonization, while the last has practically disappeared.

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1) Njangó. This word is the noun form of the verb angola, "to seduce or lead astray" (another's wife, his laborer, his slave, etc.). Therefore, it is a generic term, but it is primarily applied to the seduction of a married woman in order to make her leave her husband. It therefore denotes a man's act. Of the woman it is

586 simply said that she has left her husband (aɔkɔ́fa) and has been taken
837 in marriage by X (aɔkúmbwa éka Sóngɔ́lɔ́). Having fallen in love
587 with another man's wife [390] and desiring to marry her, a man tries to win her favor. If she consents he collects the valuables necessary for the bride price. He then asks the woman to come to him and pays the bride price as for any marriage.

Instead of going directly to her seducer, the woman may also first go to her parents, especially if they are in favor of her plan. If they are not she would not succeed, because they would prevent her from carrying it out.

Cases of njangó were formerly rare because they were risky.
[721] As a matter of fact, they constituted a casus belli. Anyone who undertook such a venture had to be in a position to take the consequences of his act, especially with respect to the payment of an in-
[178] demnity. Nowadays, on the other hand, these occurrences are much more frequent, even when the new husband does not have the means to pay the bride price at once. Nevertheless, the reversal in government policy is beginning to produce good results. The woman, or her mother, is often imprisoned; rarely the seducer. This penalty is often sufficient to restore order. But to keep from being exposed to further difficulties caused by the woman who no longer loves him, the abandoned husband sometimes refuses to take back his unfaithful wife.

The rarity of cases in former times as well as the fact that
[671] they constituted a legitimate reason for war shows that the njangó did not have the approval of Nkundɔ́ law but that it was more or less considered an infraction.

x 2) Taking refuge. Because of the change in circumstances,
586 the practice of taking refuge is no longer common today. It used
577 to be done as follows: A woman who absolutely wanted to leave her husband and had no means of doing so, since no man had asked for her in marriage and her parents were powerless to help her, went secretly to a rich and influential man whom she would have liked as a husband. She arrived unexpectedly, stood before him, or even threw herself at him, crying, [391] Bejwɔ́ bɛ̌kɛ̌! ónjɛ́ngɛ́,

584^ 577 tonjɔ́jâkɛ́! (1) "Your deceased parents! Pay the bride price for me, do not chase me away!" In such circumstances, the insult of invoking a man's deceased parents is like an ultimatum; it imposes an obligation which the person thus addressed cannot escape. (2)

Therefore the man in question could not send the woman away; he had to take her under his protection. He called his kin group and explained the situation to them. If his close relatives agreed -- and it was their duty and honor to -- they instructed him to pay the bride price for her. But the abandoned husband intervened to prevent this transaction. Either he declared war, or he begged his rival to return his wife to him. If he took the first course, the two [727] adversaries paid indemnities for the warriors fallen in battle on their respective sides after the hostilities were terminated; then when peace was concluded, the matter was settled all the same, and the woman succeeded in her purpose. If the husband took the second alternative, and the man who received the fugitive was disposed to yield to his request, the latter would ask the husband for a payment (nyongo) that would free him from the obligation imposed on him by the wife's "oath." This payment was a sort of indemnification for the insult and for the blemish on his honor. Therefore the amount was fairly high: 20 to 25 copper rings, equaling the price of a slave.

The woman was surrendered either because the man to whom she had addressed herself did not love her, or because he and his family did not want to get involved in any disputes.

For the husband, war was a bad expedient; he would necessarily lose. The correct and ideal procedure was to try and have his wife returned to him. This fact is an indication that recourse to arms was an infraction of the law rather than a legitimate means. [392]

It could also happen that the man kept the woman but did not immediately pay the bride price. This occurred either if a

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1. Or analogous terms.

2. See Chapter VI, Article V, 4, Appendix.

586* continuous state of enmity existed between his clan and the husband's,
577 or if the husband owed him a substantial debt, one that clearly equaled the woman's bride price. In the first case a new war followed almost inevitably. Later on the woman's family contacted the new son-in-law. The gifts they brought were considered the dowry, and he began to pay the bride price. But there was no question of reimbursing the bride price to the first husband; relations between him and the woman's clan were completely broken. The difference between this situation and the standard procedure described above lies precisely in the fact that there is no restitution. In the case of a debt there was no restitution either. The woman's flight constituted a compensation (lowáála) and was therefore so designated (N. aókenda ndá lowáála). If the husband lodged a complaint, the judges sent him a piece of bofofó (1) to let him know that they did not want to concern themselves with his case, which he himself knew to have very poor grounds. Even the members of his own clan prevented him from making war; they knew perfectly well that the wrong was entirely on their relative's side.

The practice of taking refuge that we have just described was simply known as bejwó, bǒmoto áótswá bejwó, because that word was the principal one in the ultimatum.

178 As we have said above, the custom here described disappeared
with colonization. Even though the scope of this study does not ex-
586* tend to the Nkundó who are settled north of the Tshuapa, it [393]
577 may be of interest to note that an evolution of this custom is taking shape in the Losanganya region. If a woman is condemned for leaving the conjugal household and imprisoned, she asks someone to marry her -- if the opportunity presents itself. If the man accepts

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[202]
[628] 1. The bofofó is a piece of dried banana leaf which has been rolled up and tied with two knots (or more, as the case required). To indicate the end of a palaver, the bofofó is cut in two (or more) pieces, with a knot in each piece. One piece is sent to each interested party.

178 her proposal, he collects the bride price and produces it before the
586x chief. With the consent of this authority, he pays it to the woman's
577 parents, who make restitution to the husband. (1)

1. See also Chapter III, Article VI.

x 3) War. The last of the special ways in which a marriage
586 may be broken is the following: If a woman were captured in a war
727 and not freed, thus becoming a slave, by that very fact her marriage was broken. Under the circumstances it could not have been otherwise, since each group was concerned only with its own interests. As we have seen in the preceding chapter, the slave was incorporated into the harem of one of the members of the clan who took her prisoner, or she was sold to some man for this purpose. If her real husband did not have the means to free her -- and we are speaking under that assumption, for if he did the union would not be dissolved -- he was unable to oppose what was done. Nevertheless, he was entitled to indemnification by the member of the clan who was responsible for the war, and he could use force to support his claim. If the woman were freed by her family, and her owner then paid them a bride price in order to contract a regular marriage, the former husband had a right to a return of the bride price paid by him. (See Chapter VII, Article V).

x In concluding this account, we should note that a woman who
586 has left her husband to go to another man may return to the first one [394] after a fairly long time has elapsed. There may be two reasons for such a return:

Either the woman does not find what she was looking for with her new husband and finds her hopes deceived, or in comparing her present situation with the life she had previously led she regrets her action. Knowing the love her former husband always bore her, she risks returning to him, and usually she is not rejected.

Or the new husband finds that after having paid part of the bride price he is unable to fulfill the rest of his obligation. Since a woman does not wish to be a wife without bride price -- outside of modern exceptions -- she turns back.

586 x Naturally a return is not the absolute and necessary consequences of the causes given. The woman can also go to a third man. But a return to the first husband is not too unusual, though it should not be thought of as frequent. (1) Because of the reception given a woman who returns, this practice proves that in most cases it is the woman who causes the divorce.

Article III. Restitution of the Bride Price

1. The obligation to make restitution

The two basic principles are:

1) The dissolution of a marriage must take place by means of the restitution of the bride price.

2) The obligation to make restitution falls upon the wife's family.

The second principle is clear, and its application presents no difficulties. The same is not true of the first. [395]

First of all, it is the restitution of the bride price that completes the divorce. As long as the husband has not been reimbursed, the woman continues to belong to him. But as the interval between the payment of the new bride price and restitution to the abandoned husband may be fairly long, according to present practice the latter is not permitted to exercise his rights over his wife once the second payment has been made. From that moment on he has the right to be reimbursed, and it is only up to him to go and collect what is due him. In the past he could make war. But as we have already seen, the hypothetical situation presented was extremely rare and occurred only when the husband had the means to prevent a new union before the reimbursement occurred. If the woman was physically able to go to a new husband before the restitution of the bride price (by means of direct repudiation, flight without the

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1. Among Europeans the remarriage of divorced couples also occurs, though it is not frequent.

586x husband's knowledge, or taking refuge) and did so, her remarriage was illegal. Before the law the new husband was simply a thief, since he held a person near him over whom he had no rights. For this reason the husband could declare war on him, which he was not permitted to do in the other case, the question of his marriage being a matter between him and his wife's family.

Another consequence of that legal ruling is the following: If the woman who has left her legitimate husband wishes to return to him, she can advise him of her intention by a secret message. She asks him to come and get her at the moment when her lover is to pay the bride price (ndanga or walo, depending on the instance). She urges the latter to meet his financial obligations. On the day set the legitimate husband, accompanied by his ndonga, goes and hides near the place where the payment is to be made. At an opportune moment he comes out of his hiding place [684] and seizes the valuables that have been set out, saying to his rival: "I have caught you in adultery with my wife; these valuables belong to me as indemnity." [396] The woman's family takes his side, and the husband who has seduced her finds himself at a disadvantage and is sent away empty handed, for he is clearly entirely in the wrong.

If the legitimate husband belonged to an influential family he might risk the assassination of his rival if he saw a possibility. But then the situation was complicated by a war.

Furthermore, if the fugitive becomes pregnant as a result of her relations with her lover before the procedure of bride-price payment and reimbursement has been carried out, the child belongs, not to the natural father, but to the abandoned husband, who remains its legal father.

178 586x Nowadays everything has changed. A woman who leaves her husband cannot legitimately cohabit with another man. But during the past years no sanction remained. The imprisonment of the divorcing woman (mentioned above) could revive the ancient law while adapting it to circumstances. Furthermore, since the marriage is not dissolved, the alleged second husband could be condemned by the native courts for complicity in adultery.

586x In most cases the husband and his parents-in-law try to continue their relationship despite the breakup. If the woman persists in not wanting to go back to her husband despite the pressure, the entreaties, and even the curses of her family, the parents sub-
[587] stitute a sister or relative (*bankitsa*) for her, unless, of course, no relative is available. For in that case they must resign themselves to the restitution of the bride price and a permanent dissolution of the relationship. No new bride-price payment is made for the substitute, as the original bride price is valid for the new union, as we have explained in Chapter III, Article IV.

Finally, there is an exception to the general principle: there is no restitution of the bride price if for some reason there is equivalent compensation of some sort. Nowadays this exception is seldom encountered, as will be apparent from the following details: for example, such an exception occurs if the right of *ikákelo* has been exercised, or if the wife of one of the relatives-in-law has been seized. Even if the amount of one bride price is larger than the other, the excess is not returned. Nor is there any obligation to restore the bride price if the wife has been reduced to slavery or has been killed. There are also the cases of the dissolution of marriage cited in Chapter V, Article IV, 2, no. 2, example 17, and in Chapter VI, Article V, 4. If the breakup caused
[727] a war and the number killed on each side was considerable (three, five, six corpses), the matter rests there; when the families of those killed have been indemnified, there is no more talk of reimbursement. Occasionally, an influential and rich man who at the same time was spiteful or excessively proud, would take up arms a second time. He claimed that he would not stop until he had the bride-price valuables in his hands. Such behavior met with disapproval everywhere, and even his own family tried to stop him. If the opposing clan was sufficiently strong and stubborn in the struggle, the husband obtained nothing at all. But the desire to
[555] get revenge or to be famous as a warrior sometimes caused a man to scorn financial losses. Finally, according to the notions of our natives, a case of enmity between two clans (which we have cited in relation to a woman's application for refuge) should be included in the category of compensations.

586x The obligation to make restitution of the bride price falls upon the woman's father or the one who has replaced him (father, uncle, son, brother, etc., in accordance with the family hierarchy). He is responsible not only for everything that he received personally, but also for all that was paid to any member of the family. All these payments actually comprise the same single bride price, and all these persons together are represented by him. It is up to him to call them together for the discussion and examination of the payments made. [398] And if disputes arise, it is up to them to iron them out among themselves. The father need not personally have seen or known of the payments; the testimony of the *ndonga* is sufficient. If one or another of the relatives has acted wrongly by neglecting to make payments known to the person who is responsible, the latter can only place the blame on that relative. In no case can he refuse to make restitution of the valuables. The new husband should not be implicated in any way.

As to the mother's part, she and her clan must make restitution of whatever they have received, and they must do so even if she has broken with her daughter's father. The father summons her and asks her to return the valuables. This arrangement seldom leads to difficulties. In no case can the mother's portion be demanded from the father.

Finally, the Nkundó require that the reimbursement is made totally and all at once. They do not permit installments or intervals between them (as they do for the bride-price payment); they probably wish to avoid further disputes and endless palavers. Exceptionally, the parties come to a friendly agreement and permit a delay needed to collect some item or small portion of the valuables to be restored.

586x
572 As we have seen above, the restitution must be made entirely between the husband and the wife's family. The new husband must not participate. His only duty is to pay a bride price to his parents-in-law. He has no obligations toward the former husband. The latter cannot turn to him to recover his valuables. He can only claim them from the woman's family. Hence the axiom: *njéngi la njéngi ntákímánáká*, "the two husbands cannot pursue each

586 other." (1)
[672]

1. Except, of course, if the new husband puts himself in the wrong by taking the woman home with him before the divorce is completed (see above).

[192] The term for making restitution of the bride price is úndoja (baúmbá, jengí, etc.); [399] its intransitive form is úndola ("to recover the cost of the bride price," and the passive is únjwa, "to be restituted." The noun is njúndó or wúndó ("restitution," "reimbursement").

2. Methods of making restitution

The woman's father can pay back the bride price in two ways:

1) By means of valuables received from the new husband. In this case the more the latter hastens his payment, the sooner the new union will be made final.

2) By means of his own wealth, lontumú or bokakata (ekakata), an intensitive derived from likata, "hand." This method of payment settles the matter more quickly and avoids complaints lodged by the former husband. Sometimes restitution is made in this manner to show wealth and generosity.

In such a case the father acts spontaneously of his own free will. But can he be required to thus make restitution with his own wealth?

Yes. If the bride price is still in the hands of the woman's family, it must be returned immediately. This rule is easily understood, for under these circumstances no practical difficulty stands in the way of reimbursement.

Although as a rule the bride-price valuables will already have been spent for the acquisition of another wife (the nkita), this is not always the case. For example, only a very short time may have elapsed between the conclusion of the marriage and the divorce. But such a case was and is rare. Instances where the bride price was still in the family's possession were even rarer in the past, for people did not want bride-price wealth to remain

586x unproductive. Nowadays, they occur somewhat more frequently.
[582] A feeling of generosity has developed toward sons and younger
brothers, and the valuables are often set aside for their use.

If the bride price has already been transferred, the solution [400] is less clear cut. Under the old regime the matter was fairly clear, which is no longer true at present. But let us proceed by stages.

In the past the question was as follows: Theoretically it was assumed that the woman's family was not in a position to make restitution. In practice, however, they managed to do so, either by substituting another woman, or by borrowing the needed valuables, or by giving the husband a bride price received by one of the divorcée's relatives. The husband had certain means of forcing his father-in-law to pay (see above). Other times the notables of the clan were moved by a threat of war. They unceasingly urged restitution, and unless the debtor himself was the most influential member of the group and of an unyielding nature, he gave in to their entreaties. If, on the other hand, the husband did not have recourse to the means mentioned, he simply had to wait until his father-in-law received a new bride price.

Nowadays the ancient customs have been abolished, and
178x the whole question has changed as a result. Nevertheless, in
586 spite of the external changes, the colonial administration wishes
to act in the spirit of ancient native laws.

By establishing regular native courts and giving them the right to judge in accordance with the laws of the tribes themselves, adapted to changed circumstances, the decree of April 15, 1926 has armed these courts with the means of working for this adaptation. But in practice it has not yet been accomplished. This fact must be attributed to the difficulties of finding a solution which would, on the one hand, perpetuate the spirit of the ancient system and, on the other, satisfy legitimate aspirations toward better regulations, aspirations which as a matter of fact are favored by the colonizing power. In this connection one must think especially of the gradual abandonment of polygamy.

The European authorities do not seem to have come to a clear decision as yet with respect to what method of restitution

178 should be adopted under present circumstances [401], and this
586x question is actually within the jurisdiction of the native courts. (1)

1. As to the imprisonment of the woman seeking a divorce -- an adaptation of the *etáka*, this practice was first condemned but its legality has been recognized recently (in April, 1935).

Among the natives, opinion is divided. Two plans for a solution are discernible.

A. A strong tendency is developing to maintain the distinction mentioned above between the breakup of a marriage caused by the wife and the husband's repudiation of her. In itself this distinction is good, but it is subject to a serious drawback, namely, the danger of exaggerating the importance of the latter situation. For, as we have seen, if a husband repudiates his wife, it is usually her own fault.

This tendency results in the following difference in the procedure recommended for the respective situations:

1) If it is the wife who runs away, her family should make restitution by means of its own wealth. If they try to avoid doing so or delay too long, the woman seeking divorce or her mother should be imprisoned. The latter can usually be gotten hold of more easily than the former, and even if catching the daughter presents no special difficulties, the fact remains that the imprisonment of the mother is usually more efficacious.

The criticisms that must be made against this system are as follows:

a) It advocates sanctions against the mother, who should not be implicated unless it is proved that she is at fault. (2)

2. See above, Article II, 2, last paragraph.

178 The traditional laws permitted sanctions against the wife herself.
586 As to war, it caused both sides to suffer but had little effect on the divorcing woman's mother. Furthermore, compensation through seizure of the divorcée's mother or of one of the father-in-law's wives was only a haphazard method and could be applied only under favorable circumstances. It was not decided upon by the authorities [402] but was a capture by surprise, on the purely personal initiative of the abandoned husband. Consequently, in my opinion, it should not be tolerated, unless the mother's responsibility in the breakup is proved.

b) Although the imprisonment of the wife can have two purposes and its practice have two effects -- the reduction of the frequency of divorce through punishment of the culprit, and a hastening of the restitution of the bride price -- it is important to distinguish between them in theoretical discussion. Imprisonment as a punishment has already been considered. Here we will deal with it solely as a means of obtaining restitution of the bride price or shortening the delay. Considered in this light, it is bodily constraint. It cannot be applied to the wife, who has no obligation, but to the father if he fails in the fulfillment of duties imposed on him by law -- that is, if he refuses to proceed with the reimbursement which the law requires him to make, or if he fails to take steps which will enable him to make it (or even if he is convicted of negligence in his duty to intervene in order to make his daughter respect her promises). In practice the father would really have to be in the wrong and his ill will be established. The imprisonment of the divorcing woman would avoid the prosecution of her father for a situation which he himself is powerless to prevent.

c) The tendency cited could prevent polygamists' wives from contracting monogamous marriages and, as a result, could oppose the spirit of the law. It would not be difficult to eliminate this drawback, however.

Since the written law favors monogamy, a regular and serious control of the activity of native courts would actually be sufficient.

2) If the breaking up of the marriage is caused by the

178 husband, the proponents of this system require a restitution of the
586 bride price [403] only when a new bride price has been paid, or rather as soon as the woman has a new husband. Some go even further and claim to impose only a partial restitution; a portion of the bride price would be kept by the wife's family as a punishment for the husband's offense.

We must raise the following points against this rule:

a) Far from having a basis in common law, it is in flagrant opposition to it (see above and further on).

b) It also has the disadvantage of setting up a certain impediment to the development of stable monogamous marriages. Not for monogamous marriages *per se*, for in the case of a pagan or a Protestant there is no difficulty, and the rule does not harm them. If their marriage is not successful, they can always resort to divorce so that this rule does not apply to them. They can continue to cohabit with their wives until the latter leave them. For a Catholic the situation is entirely different. He knows that his religious marriage is indissoluble. But before contracting a marriage, the local ecclesiastic discipline at the present time requires him to pay a bride price and, consequently, to become involved in a common-law union and submit to its laws even though in his conscience he cannot consider such a union as marriage. The same thing applies -- *mutatis mutandis* -- to a catechumen who is to be baptized and thus to elevate his common-law and legal marriage to the level of a sacrament. Suppose that his wife wants to remain with him -- sincerely or in order to save her parents from the expense of reimbursement -- but that her temperament turns out to be unsuitable to married life or that her conduct is not at all in accordance with Catholic morality. Should this situation arise, the husband would be exposed to extremely grave consequences. For whatever the case, [404] their life together will be unbearable in the long run, and one day the wife will leave her husband, who will find himself in a very painful dilemma as a result: either he will have to remain a bachelor or find himself in flagrant opposition to his conscience. It is therefore wise for this woman to leave him while there is still a way to straighten out the situation. The solution described here presents difficulties that would dishearten many men. And this would be to the detriment of an evolution toward a higher moral level

178 and a better social order, although the normal functioning of native courts could in part prevent this difficulty by requiring the woman's father to hasten the repayment of the bride price.
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B. The serious disadvantages inherent in the system we have just described have caused another part of the population to seek a solution that would avoid them. The Christians in particular are the ones who advocate it. But since they have as yet very little influence in the political domain, the chances are slim that their point of view will carry. In their opinion the reimbursement of the bride price should be required in all cases, and immediate restitution would be required only if, at the time of the breakup, the bride price had not yet been spent. They also accept imprisonment as a sanction against the divorcing woman.

This system, too, is open to criticism: it is hardly in accordance with the spirit of traditional native law, which allowed the husband to use means of his own to obtain immediate reimbursement.

It is my opinion that we must take the present state of affairs into consideration, with the sole idea of protecting the social order through the stabilization of marriages on the one hand, and on the other, the evolution toward a better order by favoring [405] monogamous unions in accordance with colonial legislation and administrative practice. (1)

It should be noted that natives in various localities maintain that the first system described is favored by the Europeans. That is their answer to the objection -- which I have made more than once -- that their solution does not conform to their traditional law. Actually at the present time, the administration does not seem to support their system. But it is difficult for me to believe that it is simply an explanation to their advantages, for I have heard it

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1. See also Chapter VI, Article VII, 7, and the article on "The Native Reaction Against Divorce," Congo, 1936, Vol. 1, p. 11.

178 from more than one native who was clearly and truly wronged
586x by the system. For these reasons, it would not seem impossible that before the native courts were organized, some government agent had spoken and acted in approval of the system in question.

This digression on the subject of the practice to be adopted with reference to the reimbursement of the bride price has become long. But special emphasis is necessary because of the crucial importance of this question in the future development of native society.

3. The formalities of restitution

586x The only formality involved in the restitution of the bride
584 price is the obligation to carry it out through the intervention of the ndonga(s). Since he is the official witness, he is the one who is qualified to say what has been paid. There is no recognized obligation to make restitution of any payment or gift that has not passed through his hands or that he has not seen. Sometimes certain payments actually have been made without his participation, and restitution for them cannot be demanded. The official witness has had no knowledge of them, and he is consequently [406] under no obligation to take them into account. But the possibility of friendly transactions always remains.

Should the ndonga all have died in the interim, the procedure would not be adversely affected, for Nkundó law recognizing the inheritance of that office. The brother, son, or other relative of the deceased can act in his name, and sometimes long before his death he will have given the latter all the necessary and useful explanations. The testimony of the successor is recognized as legal and valid.

Moreover, the ndonga may be assisted by other upright and influential men who were present when the payments were made and who can corroborate or even correct his testimony. It is clear that this practice was established by common law for the sake of obtaining the best possible results in the exercise of justice.

586x 584 The custom is all the more easily understood since there are many different payments, separated by intervals and made throughout the duration of the marriage. Therefore long arguments and contestations occur.

It is not pointless to draw special attention to the necessity of the ndonga's testimony in the reimbursement of a bride price, for this rule is not always properly observed. For example, I know of the following case: A ship's captain from Upper Ikelemba took a girl from this region as concubine. The absence of a ndonga and the omission of a real bride price showed their desire not to involve themselves in a legitimate marriage. Nevertheless, the man paid valuables (especially money and fabrics) to the woman's parents. By the end of the concubinage, which lasted many years, the sum total of these gifts had risen to a value of more than 1,000 francs. After the separation, the husband demanded the possession of the daughter born from the union. The court charged with examining the case commanded -- with the approval of the administrator and in accordance with customary rules (see the next article) that restitution of the [407] payments made should be carried out and assigned the child to its natural father. The woman's father had a sufficient sense of honesty to return the gifts -- even though, legally, he had no obligation to do so -- but he claimed his daughter's child. However the court was not willing to hear his claim, although according to Nkundó law they should have recognized his right.

Apart from the participation of witnesses, no special formality is involved in the restitution of the bride price. It is carried out in accordance with the rules prescribed by Nkundó customs and conventions, appropriate for any discussion held in a family or clan gathering. When everything is settled, the person entitled to the reimbursement collects his due and takes it with him.

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4. Gifts and payments subject to restitution

Restitution must be made of all payments made by both sides; the bride price in all its parts, the mother's portion, gifts, payments at the time of death, etc., made by either side, the dowry (nkomí), and various presents. All these are subject to restitution.

586^K The position of the individuals who have paid or received the valuables does not matter, as long as they are really members of the kin group and the payment is attested to by the *ndonga's* testimony. But the father alone is indebted to his son-in-law.

At the end of the discussion on the quantity and nature of the valuables, the amount for each side is added up. Then one is subtracted from the other, and the remaining amount is given to the party entitled to it. Supposing that the bride-price valuables add up to a total of 125 copper rings (1), while the *nkɔmɛ* (dowry paid by the wife's family) comes to a sum of 60 rings. The husband is entitled only to 125 minus 60, that is to 65 rings. If the bride price and dowry are equal, no restitution payment [408] is made. If the dowry exceeds the bride price, the husband is the one who must repay the surplus. Nevertheless, in practice strictness is not carried to an extreme, and the husband may even be allowed 10 rings or so out of an obliging courtesy. But this only happens if the woman has given him no progeny. For if the husband accepted those rings and did not make the payment which is theoretically required of him, he would lose his rights over his children, all of whom would belong to their maternal clan from then on. The act of calculating the difference between the bride price and dowry is called *umanya*; the intransitive of the term is *umana* (*ɓlingɛ la nkɔmɛ bɔmana*).

The dowry is generally deducted from the presents (*belonga*), but if the *belonga* are not sufficient, the valuables that are lacking are subtracted from the bride price itself.

The *bɔsɛngo* (1) is never included in the accounting, however, Our natives say that it constitutes a separate payment, which is not

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1. As was said in Chapter II, all payments can be reduced to a value in copper rings.

1. See Chapter II, Article IX.

586 x to be touched. Even if the belonga and other payments total less than the bride price, nothing can be subtracted from the bosóngo. It must always be returned in its entirety.

As to slaves or domestic animals, not only are they subject [472] to the reimbursement law, but in addition restitution must be made of all their progeny, even when it includes several generations. This regulation applies to the maternal line (compare it with the ancient Roman adage: partus sequitur ventrem). Hens and ducks are excepted, however.

To indicate that each side must make restitution of absolutely everything that has been paid, the Nkundó use the expression: lá nsongi lá lotéó, "even the needle and the tiny razor."

[409] The reimbursement of the bride price in a case where the woman is returning to her first husband is governed by no special rule. The second husband simply obtains restitution of what is due him. The wife's family often appeals to the first husband's generosity in order to hasten the reimbursement.

If the woman leaves her second husband as well as her first, without the latter having been previously reimbursed, restitution is made to both.

We have seen that the first husband can seize his rival's bride-price valuables as indemnity for the damages the latter has caused him. The woman's family is not required to return those valuables, since they have not received them. This affair therefore does not concern them and involves only the two rivals. In spite of the first husband's every right, such an action often resulted in war. Because of the fear of quarrels and other unpleasant consequences, this custom is no longer practiced. Nevertheless, the idea is not dead as the following case shows. It occurred in 1932.

Engóngó de Lǒngá (Nkóle) made the acquaintance of Bosénjá,
586 x daughter of Bokelé wǎ Yelemeya of Ntómbá (Wǎngatá). She was
587 married to a Lǒnga (Ekonda) laborer named Isongú, a native Boángi, but left her husband to follow her new lover. The latter paid the ikulá-ndanga (9 rings and 35 francs). After a certain number of months, the union broke up. Bosénjá was found unsuitable as a wife. Among the faults with which she was reproached was a lack of affection for her fiancé's mother and other relatives, and a

586^x^ failure to help or respect them. After the union broke up, Bokelé,
587 the woman's father, refused to make restitution of anything whatsoever. His answer to Engóndó was, "You should have left another man's wife alone."

Yet all this was in flagrant opposition to Nkundó law. 1) Engóndó was wrong to take another man's wife home with him. 2) Isongú could have taken Engóndó's valuables away from him at the time the latter was making the payment; it was his right. But 3) Bokelé was also in the wrong. The question [410] of seduction and adultery was none of his business but Isongú's. If he did not like Engóndó's behavior, he could have handled the situation differently. Now he had valuables to which he no longer had any right; he had to return them.

Conclusion

586^x^ The nature of the reimbursement of marriage payments and the various circumstances under which it is made might suggest the conclusion that these goods are not acquired permanently, but rather that they constitute securities. The few exceptions where there is no reimbursement could not change this view. In fact the reason for them is clear -- compensation for that which is not restituted is made in other ways. (1)

[721] 1. This observation -- like others made earlier -- might lead us to believe that in the mind of the Nkundó war and other bloody practices are only means which have little to recommend them and that basically our people disapprove of them.

Nevertheless, this conclusion does not hold up if we compare all the foregoing with what occurs when a marriage is broken through death. For in the latter case nothing at all is returned; everything that was given by each party remains permanently theirs. No payment is demanded even for the children (see below).

584x What is the reason for this fundamental difference? The reason that one is forced to accept is that -- originally and essentially -- the valuables paid at marriage become the property of the recipient party. Restitution in case of divorce is necessitated by circumstances -- without it the woman could not remarry. It is a concession to her weakness. Of these two rules which are diametrically opposed to each other, restitution and nonrestitution, the one must have been original and primary, the other secondary and additional. The latter is the rule for divorce.

[411] This conclusion is strongly supported by all the other stipulations of Nkundó law pertaining to divorce, the reasons for it and the proper procedure.

Article IV. Payment for Children

The rule that requires the restitution of the valuables paid, in their entirety, includes a limitation we are going to consider. That limitation is the payment for children.

If children are born to the union which then is dissolved, their father must leave the woman's family 10 to 15 (nowadays up to 20 and 25) copper rings for each child, whether boy or girl. If not enough valuables remain to him after the deduction of the dowry, he must make up the deficit by other means. A man who does not give the necessary valuables no longer can claim any rights over his children, who henceforth belong to their mother's family.

If the divorce occurs before the husband has paid the bosóngo, he is also required to do so in order to obtain the right to his children. If he refuses to fulfill his obligation, the wife's family can take one child away from him as compensation.

It is during the discussion concerning the restitution of the bride price that the husband must relinquish the goods required to settle the position of the children. When the total amount of valuables to which he is entitled have been made known to him by the ndonga, he must deduct the amount of the payment for the children and give it to the wife's family. The omission of this

586 act is equivalent to giving up his rights.

The wife's family makes no effort to keep the children born of a broken marriage. On the contrary, they insist that the husband pay the necessary valuables in order to retain his rights over his legitimate progeny. Nevertheless, they cannot force him to do so; the father is entirely free either to take his children or [412] to choose a given portion of the bride price in preference to them. But he is obliged to choose between the two alternatives.

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586 All the natives care about their children. Therefore an indifference to them and preference for getting back the entire bride price is altogether unusual. Instances such as the following do occur, however.

Bumba, daughter of Loótá of Bokenyola (Losenge, Bomwanja) was married to Elímîlele of Losáli. After some years of marriage, the latter repudiated his pregnant wife for reasons unknown to me. Although attempts were made to show him the stupidity of his act, nothing would move him. Bumba returned to her brother Ifáaó and there gave birth to a daughter. Ifáaó asked the father to come and see his child and at the same time be reconciled with his wife. Elímîlele refused. After a time, Bumba was married to another man, but that marriage did not last. A bankitsá was substituted for her, and she was married to Bokángo of Bokengé. The latter paid a bride price of 80 rings for her. Elímîlele was asked to come and get what was due him. This time he came. He took everything, without leaving the slightest thing as payment for his daughter. He was asked to leave 25 rings in order not to be deprived of his rights over his child. He wanted to hear nothing of this suggestion; he preferred to take back his bride price in its entirety. The daughter, Bombúla, is about to marry Bolongólokolo of Bompela (Bokátola). The bride price to be paid will be received by her mother's clan, and her father will receive nothing at all. He can never claim the slightest payment from his son-in-law. Besides, the latter is not legally his son-in-law; for from the legal standpoint Elímîlele is not his father-in-law. Bombúla, for her part, is no longer required to recognize her father, since he has disowned her. She belongs solely to her mother's clan, and her father's family can never again make any claim upon her or her descendants.

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Finally, note that in the "lowlands" of the region [413] under discussion, payment for a natural child is beginning to be made regardless of whether the beginning of the bride price has been paid, or whether no payment at all has been made. In the past there was no question of such a practice, for the child would have been considered a slave in his father's clan and in the neighboring villages. And actually in the villages of the interior and in practically all of the region under consideration, that attitude has not changed. It is in the European centers, under the influence of Christian ideas, that these new ideas develop. In practice, cases do not occur except when the individuals in question are natives of very distant villages and are established permanently (to the extent that this term can be used) in their extra-customary residence.

Article V

The Position of Former Spouses and Their Children

586x Once the palaver concerning the reimbursement of valuables is settled, the former spouses become strangers to each other.

Their families sometimes continue relations with each other, however. In fact we have seen that a divorced woman may be replaced by a relative in her conjugal role. In such a case relations by marriage result from the continuation of the marriage agreement. (1)

Except in cases where a substitution occurs, all ties between the former spouses and their clans are thus broken.

The divorced wife can no longer claim the slightest right to the fields she has established on the land cleared by her husband. In general, all the fruits of her various activities remain the property of the husband; she herself [414] has no further right to them. In our time, however, it is not unusual for a man and wife who are

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1. See Chapter III, Article IX.

56x separating permanently to divide between them certain gains from their joint labor such as money, clothing, fabrics, and household utensils. (1)

1. See Chapter VI, Article II.

As to the children born of such a marriage, they live either with their mother or with their father, depending on the circumstances. They go visiting from one to the other. They almost always remain with their mother while they are still very young. As soon as they begin to be able to take care of themselves (between the ages of 8 and 14, depending on the case), they go to live with their father. The girls often remain with their mothers longer than the boys, sometimes even until they marry.

The parents do not create difficulties or unhappiness for themselves over this question. It is only when a child remains more or less continuously with one of the two that the other's attachment is expressed in jealousy.

When the time comes to receive the bride price, the parents lay claim to their respective rights. When the boys wish to take a wife, the father must procure the amount needed for the bride price. If a young man does not obtain satisfaction, he can always address himself to his maternal uncles, who will not fail in the duty imposed by family love -- unless they do not find the means -- and their clan will have acquired another household.

In short, divorce separates the spouses and breaks the special alliance between the two families, but the children continue to treat their parents as if they were still united. And they do so in a completely natural fashion, without any strife. For the Nkundó this matter is quite simple, and they are perfectly accustomed to it, since divorces are not that rare. [415]

Article VI

Magic Practices Pertaining to Divorce

586x 789 It seems to me not without interest to devote a few lines to the magic practices prevalent among our peoples and used on the occasion of divorce. We are not speaking of love philters; strictly speaking they would not be appropriate here. (1) We will therefore limit ourselves to giving a general idea of the practices used to prevent a wife from leaving her husband, to avenge a divorce, or to make a fugitive return.

As we shall see, these objectives often become intertwined.

1) The trinity ikétáki-itóko-ntómbá is considered by the natives as three related practices. We see it more as three forms of a single practice.

[177] All three originated with the Ntómbá of Lake Tumba and were introduced to the Nkundó -- directly or indirectly -- by certain Ekonda tribes living between the two peoples. This introduction took place in modern times. The practices were unknown here before colonization. Even at the present time they have not spread everywhere; they have not yet crossed the Momboyo. The chronological order of their introduction is first ikétáki, second itókó, third ntómbá.

The animating spirit of these practices is the leopard. Their primary purpose is to call back an unfaithful wife and, if she obstinately refuses, to kill her or her seducer. Secondarily, they also serve to cause the death of any enemy whatever, especially in reprisal.

The three practices differ with respect to their manufacture and method of use. We cannot go into all the relevant details, for they are outside the framework of this study. [416] It is sufficient to say that the owner of the charm to whose powers he resorts first calls the woman by blowing into an antelope horn,

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1. See Chapter I, Part 2, Article VIII.

586x especially very early in the morning at the crowing of the cock. (1)
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1. The natives also use this means to call their children who long ago left for the "lowlands" and whose return they ardently desire.

If the one who is called does not return, the charm will take revenge either on her or on her lover, depending on the desire of the person operating it. Another intervention on his part is then required, however, and it varies according to the form used. Note that according to the native view it is impossible for the wife not to hear the call, no matter how far away she may be. If she does not return, it is because she is being obstinate and deserves to be punished.

The spirit of vengeance alone is involved in:

586x 2) The ngondé. This charm comes from the Coquilhatville
754 region or even further away. The word ngondé is the Lolíngá form
of the Lonkundó word nkondé, which means "gavial." The teeth
[237] of this reptile actually play a part in its composition. It is used
to punish any thief by death. Therefore it has been declared effective against anyone who tries to seduce the wife of another. It will cause the culprit's feet to swell and to open with pus. Like the above practices, this one has not yet crossed Momboyo.

Such usages like many others have therefore been recently
832 introduced. Before the arrival of Europeans in these parts, only
177 love philters were known. However, it is easily understandable that the Nkundó gladly and confidently received these new practices which are so useful -- in their opinion -- and operate in a domain of capital importance for which colonization has deprived them of their ancient sanctions and means of prevention. [417]

2: Hulstaert--391 M-5 (ca. 1930) 1938 FO32 Mongo FO32
Nkundu

Chapter IX

Death

Since the subject of our study is only Nkundó marriage, we
152 will examine matters relating to death only from this limited stand-
593x point. As to the general aspects of the question, the reader will
761 find them in our article on the funeral customs of the Nkundó,
about to be published in Anthropos.

Article I. Sorrow and Mourning

In the study cited above, a word was said concerning the varying degrees of intensity that may be reached in the sorrow caused by the death of a cherished being.

Of course the suffering does not always exclude a mixture of egoistic elements, such as regret of the financial loss involved in the death of a wife and the obligation of continence and various other prohibitions of widowhood. This is rather natural and does not merit discussion. On the other hand, it would be unjust and contrary to the truth to attribute all the sadness to those base feelings. In general, this sorrow must also be taken as evidence of a true love which is often its primary cause. Exceptions do occur, however, for instance in the case of an old woman who has been inherited by a polygamist.

When we compare the various manifestations of sorrow at the death of a spouse with those observed at the death of a relative, we note certain practices specific to the former case. One might say that at the death of a spouse, the signs of sorrow reach a culminating point [418], as if native law wished to underline the predominance of the relationship created by marriage over the bonds of kinship and thus manifest its agreement with divine law.

Nevertheless it is clear that practice does not always correspond to theory, here any more than elsewhere. We should not be astonished in not finding among the natives a perfect and ideal love

152 free of all egoism. When even among peoples universally recog-
761 nized as superior, self-pity during the pain felt on the death of
593x someone beloved is neither rare nor reprehensible, can we be shocked that our natives experience similar regrets? Do we condemn a young widow who, although sincerely and intensely regretting the husband she loved tenderly and whom death has just removed from her affection, thinks at the same time of the unhappy situation in which she and her small children find themselves as a result? And is not the reasonable hope of finding someone who will take care of her and the orphans an effective and legitimate consolation that will help her to endure the trial?

All things considered, it is therefore not at all surprising that our Blacks react that way. And it is quite natural that, in practice, they should suffer more from the death of a father and especially a mother or a child than from the loss of a husband or wife. The situation here is entirely different from that in Europe. And the system of polygamy, with all its consequences, is not exactly discouraging to egoism and favorable to an ascension toward the ideal of a more sublime love.

. Therefore we should not be surprised that a wife at the death of her husband laments: *ngóy'ǒm'ǒkám̃ óye*! ("Mother, my husband, ah!"); but at the death of a child or a mother or father she wails: *ngóya njôlélengana óye*! ("Mother, I am bereft, ah!"), thus expressing a more intense sorrow. For a father or a mother cannot be replaced, but she will always find someone who will want to marry her. As to a child, between it and its parents there is more of a life in common [419] than between spouses under the system of polygamy. More marks of tenderness are also exchanged between mother and child than between native couples.

764 Immediately after his wife's death, a *husband* is surrounded
by all the women of the village who come and mistreat him. They
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593x vie with each other in smearing him with charcoal smut, soil, and mud, and in rubbing him with the plant called *linsánsà*, which causes a stinging rash comparable to that caused by nettles in Europe. There are no relatives among the women who engage in this

152 rough behavior, only strangers married to village men (those known
593x as báajâála). This ill treatment is often extended to close rela-
764 tives of the widower, that is, to those whom the women in ques-
tion call báome, "potential husbands," never to fathers and higher relatives. (1) The purpose of this practice seems to be to intensify,

1. See Chapter V, Article IV, 1, no. 3, and Chapter VI, Article VI.

by physical pain, the sorrow caused by death. In addition, provocatively obscene words, gestures, and movements remind the widower that from then on he must be continent, as described in extenso in the study cited above.

765 Afterwards, relatives dress the widower in a lisáki, a banana leaf which is torn all over horizontally. For all other mourning garments, as well as for all regulations and prohibitions that apply to all cases, see the detailed study.

The ill treatment described is not inflicted on the widow. It is meted out exclusively to men.

The general rules pertaining to seclusion apply to a widower; in fact they are especially severe for a man. His kinswomen prepare his simple meals. However, if his relations with his father-
[587] in-law were excellent, the latter sends a woman [420] to him who will attend to his needs. She often becomes his wife when, after the lifting of mourning, he brings the ibóleóko (Chapter III, Article IV).

During the entire first period of seclusion, he cannot go anywhere, at least ostensibly. If he needs to go out, he must go through the back. If he wants to visit a relative or friend, he must go behind the huts, in the banana grove, even if it is evening. In a[illegible] case, he may not leave the village. Such was the ancient law, though nowadays it is observed less and less.

Furthermore, he cannot have the slightest contact with any woman who is not a relative. He cannot even shake her hand, greet her out loud, or look at her even in passing.

165 Incontinence is severely punished by the deceased; she molests the culprit and even drags him or another person who is in mourning to the grave.

[352] [171] The severity of the seclusion is lessened at the time of the ceremony which marks the widower's return to a small bed raised above the ground. It is made from tree trunks or branches in the manner of the Batswá. The widower is washed by the deceased's elder sister and then is led to the bed by his elder brother's wife. He receives a knife from his father, and from then on is permitted to perform his usual tasks.

A widower (or widow) must purchase gradual dispensations from prohibitions of foods, in contrast to relatives, who are simply released (*Coutumes funéraires* [Funeral Customs], Vol. 2, no. 2, E). This distinction shows the fundamental difference that exists between mourning for a spouse and for a relative. In the first instance, it is a strict social obligation from which he can be absolved only by a purchase, a compensation, or commutation of sorts; in the second instance, it is a convention from which a person is freed without any ceremony or compensation. The fact that this regulation is extended to the close relatives of the widower (or widow) does not lessen the validity of this conclusion. On the contrary, it corroborates it. For [421] the persons to whom the rule applies remain clearly in the affinal line; the regulation is never extended to relatives of the deceased.

After the death of a husband, his widows and the wives of his close relatives buy dispensations from the deceased's kinswomen. After a wife's death, the husband and his close relatives buy them from their own wives. The total amount of the purchase made by all the persons involved must be divided. Half goes to the women who have married into the clan; the other half is kept for the family of the deceased.

Like all periods of mourning, that of the widower -- with all the regulations and prohibitions involved -- ends in a great feast. When the family of the deceased have performed their duties, they organize a second feast at their own home, and the widower is

765 expected to attend. It is usually at this time that the negotiations occur relative to a replacement for the deceased (Chapter III, Article IV).

Article II. Seclusion of Widows

As I have described in the article cited, widows (bituka, sing. etuka, or, among the Bombwanja, besámanyi, sing. bosámanyi) are compelled to remain in seclusion for a long time. Before the ceremony of being lifted from the ground, they are ostensibly not permitted to go out. Later they are allowed more freedom; they can go everywhere to do their work, even to the markets. But they are required to spend their nights in the communal seclusion hut.

[624] A widow who did not conform to these rules would meet with serious criticism. She would be said to have not loved her husband (and consequently suspected of having caused his death by sorcery). Moreover, she would be exposed to the avenging anger of the deceased, who would disturb her sleep, thrash her if she went to the forest alone, [422] or would even come to take her into the next world with him.

Insofar as possible all the widows are brought together in one and the same hut. To complete their separation from the world, the entrance is closed by means of a circle of palms, the same as for the seclusion hut of a nursing woman, a bolúmbú, or a woman possessed by the spirit of bongóli (yebola). This is to prevent widows from having relations with passers-by.

The name of the seclusion hut is lokásá (the same as the word for "leaf."). The Bombwanja use the word lokombí (from komba, "to shut," "to enclose"); the Injóló and the Boángí say lonkíndá. (1)

1. The Ekonda use the word itálé.

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587 During the last period of seclusion, although the widows may not be visited by lovers who wish to court them with the object of

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765 marriage after the end of mourning, they have the right to accept
587 various foods and firewood from them. But a rather dim view is
taken of these services rendered by strangers, that is, by persons
not related to the heirs. For theoretically the widows belong to
the heirs and are their wives, since the financial marriage agree-
ment continues. (2) Nevertheless, if these men are not at enmity
with the heirs, they encounter no opposition. For once the period
of seclusion is terminated, the widows are free to go back to their
respective families and be taken in marriage by anyone able to pay
the bride price. Nevertheless, suitors are not permitted to enter
the seclusion hut even in the last period. They must therefore
transmit presents through the agency of the biúnanyí (sing. eúnanyí),
that is, the relatives of the deceased.

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765 This last period begins with the ceremony of being lifted
off the ground. The widows are made to get up onto the beóngá --
M [423] bákondeja bituka ndá beóngá. The beóngá consist of split
P branches of the parasol tree, placed on long branches, which are
[352] in turn attached to posts, forming a small primitive bed, which is
[513] the usual bed of the Batswá that is sometimes also used by the
Baotó, if the latter have nothing better. From then on the widows can
rest on these; they may "rise from the ground." The parasol tree
branches are called beóngá (sing. boóngá), "dead, dry wood." The
same root is also used with other prefixes: eóngá, pl. bióngá;
loóngá, pl. mbóngá. The verbs used are áta, "to split, rend" or
fanja, "to cut." Nowadays the severity of this custom is mitigated
by the substitution of beánga, transportable wicker beds, for the
beóngá.

The ceremony is accompanied by a few dances and a bit of beer. The head of the family addresses the widows as follows: "We have split beóngá for you; climb up on them." Then he presents them with a few hens, given by relatives of the deceased. The widows prepare them and eat them all.

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2. See Chapter III, Article IX.

765 On that occasion the head of the family hands over to the first born of the deceased the bosɔ́lɔ́ to which he is entitled. As described in Chapter III, Article III, he thus receives one of the widows as his wife. She immediately leaves the group of widows; from then on she is no longer bound by any mourning obligation and goes to live with her new husband. If she loved the deceased very much, however, she asks the heir to leave her alone for a time; and her wishes are always respected.

The seclusion ends in a great feast that closes the period of mourning. It is during this feast that the inheritance, of which the widows also form a part, is divided. We will deal with it in Article V. [424]

Article III. The Burial

764 The husband's burial involves no ceremony or special rules differing in any way from those for any other person. However, his kinswomen must "buy the tomb," that is, they must pay a few rings to the women married into the family to obtain permission for the interment. This payment should be compared with those made to obtain dispensations from alimentary prohibitions.

The people buried simultaneously and in the same grave as the body of an influential man are never his widows, but solely his slaves. (1)

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1. See Coutumes funeraires (Funeral Customs), Vol. 5, no. 2.

A Nkundɔ́ must be buried in the land of his ancestors in the clan cemetery. Since these people operate under a system of exogamy, the corpse of a married woman is naturally transported to the village of her birth in order to be buried there.

Before it is transported the corpse receives the usual care with the accompanying sacrifices. It must be kept in the husband's house for at least one night. And this custom is still observed at present. In the past the corpse remained there for days on end,

764 for it was necessary first to celebrate the farewell feast, and the
widower's family had to gather to discuss the matter and collect
the valuables needed for the funeral payment (see the article which
follows). Only after all that did the young men belonging to the
[482] husband's family take the mortal remains upon their shoulders --
wrapped in a mat or enclosed in a coffin, depending on the case.

If possible all the husband's relatives take part in the procession. The pallbearers walk at the head. The men are armed
with bows and arrows, knives and sticks, seldom with spears. The
women accompany them [425], wailing. The husband and, if
necessary, a few relatives carry with them the various objects
they will need for the payments. Some men have a *lotótsi* (an
[534] ocarina) (1) or an antelope horn on which they play intermittently. (2)

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1. See my "*Note sur les Instruments de Musique à l'Equateur* (Note on Musical Instruments at the Equator)" in *Congo*, 1935, Vol. 2, July, p. 187, figs. 1 and 2 (p. 199).

2. Sometimes there is also an accompaniment of drums.

[201] At the time the corpse is lifted and while passing through villages
between their own and their destination, the *lokolé* is struck with
regular and equal blows (*-kémya*) to announce the arrival of the
funeral procession.

The chief personage among those who follow the corpse is
584 not the husband, but the *ndonga*. He may never be absent at that
764 time. Even if the husband is deceased and the procession is that of
a widow who has not remarried, the *ndonga* must always be in the
party. The duty of bringing the corpse of a married woman is above
all his.

The *ndonga* may go ahead of the procession to inform the family of the deceased of her death, and if there is a great distance between the wife's village and the husband's, he may not be able

764 [584] to return to join the procession, or may be able to do so only with difficulty.

The act of carrying a corpse to its native clan is not designated by any specific term. The expression is simply *tsíka iláka*, "to go and return the corpse."

764 431 In one or more places near the entrance to the village, a barrier (*bokáko*, *lokombí*, or *loálaka*) made of posts and palms is set up. There the relatives of the deceased, armed, wait for the procession of the husband's relatives, who are also armed, and forbid them to continue their march. Before passing, the latter must make a payment. The valuables given are called *byěko by'ôkáko* or simply *bokáko* (or *loálaka*). The family of the deceased calls to the procession, "Halt! You will not pass here." The latter reply, "We come to bring [426] you the corpse of your child; we want to break down the barrier. Let us pass; here are
[584] the gifts." The *ndonga* hands over a knife, a brass or copper ring, or some equivalent object (for instance, money, nowadays). Thereupon the members of the deceased's clan move away. The *bǎnambótswá* (persons related to both clans) break down the barrier, and the procession passes, headed by the *ndonga* and the *bǎnambótswá*. The husband follows the coffin.

764 579 In the past it was almost always necessary to force a passage through the barrier. The wife's family did not want to open and the husband's family did not want to pay, and so they came to blows. The group bearing the corpse tried to break down the barrier, while their adversaries tried to prevent them from doing so. The arms used in that struggle were chiefly pointed sticks which the members of the two camps threw at each other; more rarely, arrows were used. The specific name for this sort of brawl is *ekòkélá*. Certain clans specialize in this sport. Thus between Boímbo and Lileko, there is a regular battle every time. In such serious cases the barrier is heavily fortified; the posts are thick and hard, and intertwined with thorny creepers (*bokau, longolí*, *wanganjála*, etc.) and thorny shrubs (*wěngé*, etc.). A quantity
[825] of venomous biting ants (*bafumba*, *mbómbá*, *byǒmbo*, etc.) are added. If the brawl becomes serious, the *ndonga* and the other *bǎnambótswa* intervene and impose peace by requiring the husband's clan to pay.

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Nevertheless, it may happen that the husband's family, while unable to vanquish their adversaries, persist in spite of everything in their desire not to pay. They run away and return home, abandoning the corpse in the hands of the family of the deceased. But this is a very serious offense. It is therefore considered simply as a breaking of the alliance between the two families. The husband need not bring funeral payments, for they will be refused in any case. Henceforth he can no longer [427] present a bride price to obtain a substitute for the deceased. Furthermore, he loses his rights over his children, whose maternal clan he has disowned, and if the matter is not settled in one way or another, he no longer has the right to the bride prices that will be paid for his daughters. And to add to his troubles, he risks being molested by the spirit of the deceased.

When the husband's party succeeds in opening a passage, the opposing clan hastens to defend the succeeding barrier. In fact, if the procession must pass through several clans or groups related to the wife (her mother's clan, grandfather's clan, grandmother's clan, etc.), each group sets up its own barrier,

If there are no more barriers, the struggle is ended. But in any case the husband must pay the valuables demanded for passing through. When the procession arrives at the village, the question of funeral payments is settled, and these "tolls" are included in the accounting.

In the past a brawl was usually inevitable. And even now they occur more frequently than we would suspect. But the violence has been reduced to a few light wounds. Some clans arrange the matter amicably without resorting to action. But only very seldom do they neglect to put up a barrier. Nevertheless, cases do occur here and there under the pressure of chiefs who favor the penetration of European notions of public peace and tranquility. In these instances the parties involved merely pay regular indemnities at the time of the palaver concerning funeral payments. A great friendship between the two clans involved sometimes favors this more humane type of behavior.

764 When the family of the deceased bars the route to the
578 funeral procession, they are manifesting the anger provoked by the
152 death of one of their members. [428] For they feel anger and
[584] resentment, in spite of the fact that the *ndonga* carries a spear at the head of the procession as a sign that they come as friends, without evil intentions.

This does not mean that the natives attribute the cause of death to the husband and his family. In most cases they are convinced that the latter could not prevent it. Although they express themselves in those terms: *lóótoomela bǒna* (*nkâna*, *eóto*), "you have killed our child (sister, relative)," they do not maintain that the husband's clan has really killed her, but only that she died among them. Under the circumstances do they feign anger to obtain valuables, for example? I do not think so. The Nkundó do not say that they simulate anger; they categorically state that they feel it and that they want to show it in the manner described. We should not be astonished at this since -- as we have noted in the study on the funeral customs of the Nkundó (*Les Coutumes funéraires des Nkundó*), the emotions of anger and sorrow seem to be intimately related among these peoples.

When the funeral procession passes through the last barrier,
764 that which bars the entrance to the village, the husband's clan puts down the body, and it is subsequently lifted up by the family of the deceased, who carry it into the house of the head of the family. They are followed by the *ndonga*, the *bǎnambótswá*, the husband, and his relatives. The family of the deceased wail over her. Her kinswomen (*biúnanyi*) show their sorrow-anger by mistreating the clan wives (*baáĵáála*), by smearing their bodies with mud, dressing them in *basáki*, and hitting them with stinging plants (*bansǎnsá*). For the deceased is the *baáĵáála's* "husband," that is, a kinswoman of their husbands. The *baáĵáála* treat the widower and his relatives in the same way, because "their husband" has died among them.

The corpse is thus deposited in the hut of the head of the family. Each time that kinswomen who are married elsewhere arrive [429] to mourn over the deceased, the *baáĵáála* forbid them

764 to enter the funeral hut. First they are required to go to the far end of the village, weeping for the deceased, to show their sorrow.

As I have said in the study cited, it often happens that after some time the lamentations slacken and the women keeping watch begin to chat. One day I was present during a quarrel on [578] this subject between the biánanyí and the baásáála. The former were reproaching the latter for not weeping any longer: "After all it is your husband," they said. The others replied, "It is your kinswoman; therefore it is up to you to weep. Are your eyes so dry that they no longer contain tears?"

Sometimes the husband and his close relatives do not participate in transferring the body, because they have not yet succeeded in collecting the necessary valuables. Actually it is entirely legitimate for them to stay at home in such a case, in order not to be exposed to endless discussions and the ridicule of the entire region. In other instances the husband's family belongs only to a small clan, and therefore they do not dare to appear in the village of the deceased. They are afraid that they will not be able to defend themselves properly against the ill treatment that would be inflicted upon them by the women married into the clan to which they go. For in fact these women would mistreat them by throwing mud at them or smearing them with it, and by striking their bodies with stinging plants called bansánsá. For they consider that the widower, whom, by extension, they also call their husband, and his close relatives have killed their husbands' kinswoman.

In such cases the corpse is brought by distant relatives of the husband. The ndonga apologizes for the husband to the parents-in-law and tells them that he will come later to settle everything. The clan of the deceased receives the corpse and continues to perform the last tributes to it. If the husband has remained in his own village only out of fear of ill treatment, [430] he often waits only until nightfall and then takes advantage of the darkness to follow his wife's corpse.

The corpse must remain in the head of the family's house for at least one night.

Before proceeding with the burial, the two families settle 764 the question of funeral payments, which we are about to examine. A "farewell feast" is given by the clan of the deceased. The interment itself has no special features, so that it will suffice to refer the reader to the study of this subject that has been cited.

As we noted in Chapter VII, Article II, a husband can 766 buy the corpse of his favorite. Unless the execution of this intention meets with some obstacle, the corpse is not transported to the favorite's native clan but is buried next to the husband's tomb in his clan cemetery. As a result, all that accompanies the transporting of the corpse is omitted, as is the funeral payment which is compensated for by the purchase of the corpse. The husband or his family only send the wife's relatives the payment that usually accompanies the news of her death.

Article IV. Funeral Payments

As we have just said, before the husband proceeds with the 764 transportation of a deceased wife's corpse, he collects the valuables to pay the nkunjí. This is the term (derived from the verb kunda, "to bury") that designates the various payments a widower is required to make to the clan of the deceased.

First of all, as soon as the death is known, the nkonga goes to the parents of the deceased and brings them the nsango (news), which consists of a copper ring or a knife. He presents them with these, saying: "Know that your daughter so-and-so has just died."

At every barrier the procession must cross to reach the village of the deceased, the husband must make payment of some object [431] (usually a knife or a ring) in order to obtain free passage. [594] The nkonga always serves as intermediary. These payments are called byfêq by'ôkâko or simply bokâko, lokâlaka (barrier), or, among the Bombwanja, ifakâ yâ ekâlaki, "knife for felling (the barrier)."

The nkonga walks at the head of the funeral procession; he (or another bonambótswâ who takes his place) carries a spear

764 to which a piece of raffia cloth is tied. When the procession has crossed the last barrier, the official witness goes ahead and plants the spear in the roof of the head of the family's hut. Hence the name applied specifically to this spear: itúwansambá (from túwa, "to pierce," and mambá "roof"). The spear signifies that the widower's family is not coming with evil intentions, but that they are moved by feelings of the greatest friendship -- wéâka te tófóyé l'etumba; toóyá ndé ólotsíkela ilákâ y'ô̂na.

The piece of cloth is a sign of respect for the mother of the deceased, in memory of the pain she suffered in giving birth to her daughter and the care she exercised in her upbringing, and as consolation for the terrible blow that has come to her in the death of her child. She will wear this cloth after the end of mourning. If the mother has died before her daughter, this cloth goes to one of the mother's sisters, aunts, or other relatives, who is in some sense her substitute. It is therefore a payment to the mother's clan.

The spear and the cloth are usually designated by the common name likongá l'etóo, "spear and cloth." A knife, particularly an ingóndá, can be substituted for the cloth, but the name etóo is retained. Nowadays the cloth is no longer given, but a knife which is given the name etóo is always substituted for it. (1) Nevertheless, in memory of [432] the ancient custom, a piece of European cloth is often attached to the end of the spear.

When the corpse has been deposited in the head of the family's hut, the two clans greet each other in the usual fashion. The women continue to weep for some time. The husband's clan
[262] go and sit at a little distance. Then the relatives of the deceased
[431] instruct their wives to collect the presents to give the widower,

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[286] 1. The reason for this substitution is, first of all, the greater value of the knife and, second, the near impossibility of obtaining raffia cloth (see Introduction).

764 These consist of various foods: manioc, bananas, smoked meat
431 or fish, caterpillars, salt, hens, etc., one or several dogs
[262] (*bompángá*) that are alive (*mbwá éâ nkunja*, "dog with hair") or their value in specie (2 rings or 1 ring and an equivalent knife, which for this purpose is called *mbwá éâ baúmbá* or *éâ bakonga*), as well as a knife for killing and cutting up animals called *loólolá*. The *biúnanyi* and the *baájâála* each brings his part. Note that this gift never includes vegetables (*bimukélá*).

When everything is collected and considered adequate, the
764 *ndonga* is called, together with the deceased's own sons, so that
584 they can thus give their opinion and later have a good basis for testimony. As remuneration for his services, the *ndonga* receives a payment (*nyongo*) of a *bokósa* fish or a *botómba* rat, as well as a bunch of bananas (for which a ring is sometimes substituted). With reference to this subject I should like to recount an interesting part of the negotiations at which I was present one day. The *ndonga* expressed his dissatisfaction with the fact that he was given only a single *bokósa*. "It is so little," he said, "in comparison with all the trouble I had to take. I had to settle the matter of the bride price; I had to reconcile man and wife when they quarreled; I had to intervene many times; I always had to run between the two clans; for many years I wore myself out without ever having any rest. And for all that trouble I get such small recompense." I was asked my opinion. I could only express approval of the *ndonga*'s view. One of the relatives [433] of the deceased also considered him to be right: "He was always obliged to come and go between the two families; his voice has become hoarse from his endless interventions in palavers and quarrels; he well deserves that another *bokósa* be added." Everyone sided with our opinion, and the *ndonga* was satisfied.

After receiving his present, the *ndonga* detaches himself from the group. Together with the other *banambóswá* and any intelligent strangers who may be present and might be able to give an opinion to settle an incidental argument, he sits down between the two opposing clans, a slight distance from each.

764 584 All the payments must pass through the ndonga. He is the one who transmits the desired objects from one group to the other. He intervenes in the disputes that arise in order to settle them and re-establish peace. He explains the various points of view, elucidates some consideration whose significance the other group does not seem to fully comprehend, etc.

As has already been said many times, there can be several ndonga. Legally all of them can intervene personally or through their officially recognized representatives. Thus, several months ago (1933) at Bonjoku, Baémbe, wife of Ikomo of Besombó, was present at a nkunjí discussion. No one paid any attention to her. At one point she threw herself into the discussion by reprimanding the chief ndonga and the families involved, asking them on what basis they were excluding her from this affair. Did not her husband have the right to intervene? Was he not also a ndonga? Since he had gone fishing in the Jwalé, it was impossible for him to come. She could therefore legitimately substitute for him. Then why was [576] she being left out? She was quickly pacified, and the persons involved admitted that she was right and apologized for their forgetfulness and negligence.

764 584 431 The wives of the deceased's clan place the gifts of food at the ndonga's feet. The bokíné (the youngest) of the clan goes and explains to him what they are and for whom [434] the gifts are intended. (1) One portion goes to the bakaló of the deceased, that is, the badjáfla of the husband's clan; another portion goes to the baóme (the husbands), that is, to the widower and his family; a third part is set aside for kinswomen of the deceased who have come from villages into which they are married in order to be present at the funeral.

764 The clan of the deceased first asks the other clan "for news" (lola mango). The latter reply that one of their members had

1. In the Nkundó hierarchy it is always the youngest who is charged with the execution of all such small tasks, at the behest of the head of the family.

764 married the daughter of the first clan, and she had lived happily with her husband, performed conjugal services for him, and had begotten children for him. Subsequently she fell ill, as they were informed at the time, and now God has taken her away and they have come to bring the corpse back to them. The wife's clan replies: "That is understood, but before we continue to ask each other for news, do accept the present (lionja) which we offer you." Thereupon the ndonga enumerates all that has been collected and passes it to the widower.

The foods thus given are a friendly welcoming gift; therefore they are not counted as a payment nor, furthermore, as part of the nkomɛ. Only the domestic animals are considered such. They can be eaten on the spot or kept alive. Since the prepared food is a present, it must be eaten on the spot. Theoretically, none of it may be taken home. If it is taken home for some reason or other, however, it is still forbidden to allow anyone to eat of it who was not present at the funeral gathering. As for the raw food, the recipients are free to carry it away if some is left over.

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Disputes may arise on the subject of the dog -- such as one I witnessed one day. The presents offered included the equivalent of the value of a dog in rings rather than a living dog. [435] The head of the widower's family demanded a dog in flesh and blood. The reason he gave was that many of his biɛmanyɛ had come to the funeral and, as an expression of his thanks for their condolences, he wanted to give them a dog. As he would not yield, the wife's family had to replace the two rings with the animal demanded.

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Then the ndongá explains to the family of the deceased that he has already brought the nsango, the lihongá, and the esóo. Nowadays it happens that the spear and the cloth are not given until this time, especially if the families refrain from erecting barriers and fighting. In such cases the payments of passage are made at the same time. If the two settlements are very near each other, the people are even beginning to omit the sending of the nsango; a bosambóswá goes and confirms the news of the death, which is already expected and which the lokolé will just have announced.

764 Then the members of the wife's family, one by one, demand various payments. Every request arouses discussion, for it is fashionable to prolong these palavers. One side and then the other examines the pros and cons. The widower's family acts as if they needed a little urging, for if they did not, the ceremony would no longer resemble a palaver (which it really is) but would seem like a simple payment of no importance.

When the wife's family has enumerated the presents of food that have been offered and accepted and the payments that have already been made, they begin to ask that the other *nkunjɛ* valuables be brought. The widower's clan explain their point of view, and a member of the wife's clan immediately begins to beat the gong (*lokolé*), which is nearby. It is no longer possible to understand a word of what the husband's spokesman is saying. Full of fortitude and an African's patience, the latter continues his discourse. But finally he realizes that he has to stop. He therefore asks that the *lokolé* be silenced. Naturally, he has no success. The wife's clan dryly replies: "If you want us to stop, bring us a ring." [436] Thus the husband is forced to pay, and when he does the noise of the *lokolé* stops at once, and the discussion can continue. For this reason that first payment is called *lokolé*. (1)

1. The pressure exercised to obtain it is called *isesenganya yá lokolé*. It should be compared with the identical practice at the time of the payment of the bride price (Chapter II, Article V, 3).

Then a young and vigorous relative of the deceased leaves his group. He acts angry, strikes his hands, and defies the widower's clan: "Send one of your men to fight me, for I am furious that you have allowed my kinswoman to die of starvation." He is answered with many protestations: "We are friends; we have no hostile feelings. It is not our fault that our wife is dead." The first speaker repeats his statement and his challenge, and continues to reproach them with the death until he is given a ring called *bonkáta*, meaning "starvation."

764 Another young member of the clan of the deceased seats himself midway between the two groups. An etáka (a wooden fork) is placed on his neck, and he says: "This is how you would have treated me if my sister had left you. I ran the risk of having to suffer because of her and you. Compensate me for that." And he does not go away until he has received a ring, which for that reason is called etáka. (2)

> 2. This representation only approximates reality, for the young man would not have been treated thus. The wife herself is the one who would be placed under the etáka. But the young man represents the entire clan as a whole.

Subsequently, various payments each consisting of a ring or a knife are demanded with many imitative and symbolic gestures (in the manner described for the two above). They are:

ilɛmɔ (besáfoga l'ilɛmɔ), because of the potions that the deceased prepared for her husband.

bantsingá -- the packages of food that she cooked in ashes for him. [437]

baónda -- the pieces of palm nut she prepared for him. (These pieces are represented by a few little lumps of earth placed on leaves.)

nkóngi -- the eyelashes she plucked out for him.

bokongo -- because she cut his hair (-kɔnga).

nsili -- the lice she removed from his head. (Note that this payment can be combined with the preceding one and can then consist of a single konga for both.)

bompílo -- the hot baths she heated for him.

mouka -- baskets of fish, because she went fishing for him.

bekóngó -- the litter on which the corpse was transported.

bekɔmbɛ -- the creepers with which the corpse was tied.

betófwa (itófwá) -- the banana tree trunks on which the corpse rested. (The corpse, in a mat or coffin, is set on two banana tree trunks placed crosswise.)

764 bikọfọ -- the heavy branches upon which lay the bed in which the woman died.

lǒngo -- a hoe (real or replaced by a ring) to dig the grave.

ifaká -- a knife (ditto) to dig the grave.

yǎndá -- an axe (ditto) to cut the roots that would be found at the site of the grave. (1)

[787] 1. One day I saw the iron bar given as yǎndá refused by the wife's family because it was the same one they themselves had given to help the husband pay the nkanga (doctor-sorcerer) for his divination (bolíngó) during the wife's illness.

bombémbé wǎ nyang'éy'ọ̌na -- a belt for the mother of the deceased, so that she can wear it during mourning.

bọtsá w'ǐláká -- the head of the corpse, in honor of those who wail over the deceased while sitting near her head, that is, [438] to say, the very close relatives. This is the last and largest payment, consisting of 3 to 5 rings.

All these payments together comprise the nkunjí and, with the exception of the nsango, the likọngá l'etóo, and the byẹ̌ko by'ôkáko, they are a kind of beéngo. (1) Not all the beéngo are equally large. Therefore, all of them are not always claimed. The smallest ones -- bakẹmọ, bantsingá, baóndo, nkọ́ngi, bọkẹngọ, nsili, bompúlo, mpuka -- are often omitted.

Even some of the others may be left out. The matter depends not only on the friendliness of feeling between the two groups, but chiefly on the number of children to which the woman in question has given birth. If the woman was sterile, her family is less demanding. But if the deceased had several children, they do not yield, arguing that their daughter was a source of great profit to her husband's clan.

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1. See Chapter II, Article V.

764 In every case at least a few beéngo in addition to the bombémbé and the botsá w'îlaká are always claimed. The latter payments can never be omitted. The belt is a payment made exclusively to the mother and by rights it goes to the mother's clan.

764 606 607 The higher the amount of these funeral payments, the more the son-in-law is welcome. The alliance is perfect. Therefore, not only will the wife's family reciprocate his fine feelings by adding a few more dogs, but in addition the son-in-law will be well received and successful in his application when, after the period of mourning, he brings the sum of the ibóleóko in order to obtain a substitute for the deceased. (2) In addition, if the relations with his in-laws have been excellent, he will easily obtain the substitute in advance, so that she can care for him during the entire mourning period.

764 689 There are severe sanctions against the omission of the funeral payments. [439] Neglecting to send the notification gift alone is enough to set these in motion. They are: the breaking off of the affinal relationship; the loss of the children, since the father's offense is equal to a repudiation; and finally molestation of the culprit by the spirit of the deceased. Thus at Bokátola (Bompela) one can find two boys, Botétsí and Ikembá, the children of Bonyongela of Ilángá and Etáka of Bokátola. They have now been incorporated into their mother's clan, because their father did not send a nsango. On stronger grounds the same is true for the whole nkunjí.

Article V. The Social Position of a Widow

768 587 In Chapter III, Articles II and IV, we have already noted that in the eyes of the Nkundó, the death of the husband does not dissolve a marriage. The union continues, and even after mourning it is not broken ipso facto. Even to have the woman taken and treated as a wife by another man is not enough to end it. As

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2. See Chapter III, Article IV.

768 long as there has been no restitution of the bride price, the widow
587 continues to "belong" to the heirs of the deceased and to be their wife in the sense described in the chapter cited above, Article IX. The various forms in which this marriage can be continued post mortem have been described in Chapter III, Article II.

There we also saw that nothing prevents the widow from remarrying outside the inheriting family and therefore from becoming involved in a really new and different union. On the other hand, nothing obliges her to do so. She is entirely free. The only exception -- if this instance can be called an exception -- is a widow who is the object of a will, and a bosólō (Chapter III, Article II, in fine, and Article III). As to the latter, it is even difficult to consider her remarriage to the eldest son of the deceased as a limitation on her freedom. For although according to law it is obligatory, in practice it is voluntary and accompanied by guarantees of freedom that are adequate for ordinary cases. Indeed, it is known that she agrees [440] to this union. And she can always resort to divorce if later the heir disappoints her or if the continuation of the union becomes morally impossible.

It would be useless and tedious to repeat all that we have said on this subject in Chapter III. Let us simply reiterate that the distribution of widows should not be understood as a distribution of persons, depriving them of the freedom to be directed by their wills and their hearts, but rather as a distribution of the bride-price claims which they represent. The legal freedom to remarry remains as complete as it is when they are unmarried. This freedom may be subject to influences and even to real attacks, whose seriousness varies with the circumstances, but these are matters of fact and not of law.

If the widow considers herself -- or is considered -- too old for remarriage, or even if she desires to remain continent in faithfulness to her deceased husband, she may continue to reside with the clan of the deceased, instead of returning to her own family. The heirs usually do not oppose such an action and respect her wishes. If she has children or grandchildren there is no question about it; they are glad to keep their aged mother or grandmother near them.

Article VI. The Economic Position of a Widow

As long as her seclusion lasts, a widow continues to live
736 with the family of her deceased husband. She supplies herself with
768 food from the crops she has grown. The tools her husband has given her remain in her hands, and she makes use of them as soon as she can. As to the various utensils which must be destroyed, they are replaced by others lent her by the family of the deceased, for she may no longer use those which served her in her husband's lifetime.

In order to better express the magnitude of their mourning, the Nkundó often refrain [441] from using the products of the farms established by the deceased. Therefore, instead of continuing to cultivate the existing crops of manioc and vegetables, the widow prefers to seek provisions in the fields of the close relatives of the deceased. Or a man who has already chosen her may place his fields at her disposal. If neither of these sources is available and she wishes to observe the rule rigorously, she must purchase what she needs in this realm.

As we have seen in Chapter VI, Article II, a widow has no
736 claim to the fruits of her labors. Neither the money she has earned
768 and which is intended for the common needs of the household, nor
421 the crops she has set up, nor the fish she has caught, nor the caterpillars she has gathered in the forest belong to her. Everything goes to the heirs. Her property is limited to objects she may have received as her personal share in her daughter's bride price, or as some other payment belonging exclusively to the mother.

If the widow remains in the family of the deceased, however, her fields, tools, etc., are left to her, for under those conditions there is no reason to take them away from her. But if she
[787] remarries elsewhere, the heirs are pitiless. A Nkundó does not want the family wealth to be scattered or squandered in any way. The law says lokutu lŏkíső lófótaw'înyamó, "our patrimony can not be alienated."

In point of fact the widow is treated more favorably, at
736 least in the best instances. If her relations with the family have
768 been good, they will not refuse her some small object that she

736 may wish to keep. In exemplary unions she is allowed to keep
768 the mats she has woven with her own hands, and the goods she received from her husband -- fabrics, beads, hens, even goats and dogs, and even sometimes what she has acquired through joint efforts with her husband (crops, livestock) -- are divided equally. The division is usually carried out with a generous attitude toward the widow, and if there is only one object of a kind the tendency is to let her have it. [442] Such conduct springs from pure generosity, for -- as has already been said -- the woman has absolutely no claim. In the past it followed only upon extraordinarily happy unions, and particularly in consideration of the relationship between the two families and the affection of one of the immediate heirs for the widow.

At the present time the influence of the missions is increasing
736 the number of instances of generosity toward the widow and starting
768 an inclination to make it a general rule. Thus good Christian
797 families -- if they are not thwarted by their pagan relatives -- leave the widow those objects she personally used, such as clothing, utensils, a trunk, and even a sewing machine.

Article VII. Economic Effects of Death

1. Bride price and dowry

768 The death of one of the spouses dissolves a marriage only
583x from a certain point of view and only as a union between two specific individuals. A marriage is absolutely broken only by the death of both spouses (or by divorce).

Unlike divorce death does not bring about any repayment either of the bride price or of the dowry (nkomí). When the wife dies, all these payments remain in the hands of the respective parties. When a husband dies, the widow continues to belong to the heirs; she is part of the inheritance. The children belong to the father and his family; no new payment for them is necessary.

768 Therefore there is a very great difference between the
583x consequences of divorce and of death. In divorce the bride price must be considered more or less like a deposit. In case of death, on the contrary, it remains permanently in the hands of those who have acquired it. This difference weakens the theory that maintains that the bride price is only a guarantee; rather, it tends to favor the theory that it is a compensation for the loss experienced by a clan when it gives one of its members in marriage. In case of divorce the clan's loss [443] is nullified, since the woman returns to her family or -- as is the usual outcome -- remarries and becomes the object of a new bride-price payment. The death of a woman, on the other hand, makes the clan's loss permanent rather than bringing an end to it. This does not mean that the bride price does not constitute a guarantee; in reality it is one. But this guarantee is an effect of the bride price, not the reason for its existence -- which is something altogether different.

2. Inheritance from the husband

768 Since we are not dealing with Nkundó property laws, the
428 question of inheritance is not, strictly speaking, within the realm
178 of our study. Nevertheless, we cannot refrain from saying a word about it, since the study of marriage must naturally contain a chapter on children. Thus we shall examine the question from that particular angle. What interests us here is knowing what rights children have over their father's inheritance. We have already dealt with the position of the widow in the preceding article.

The inheritance from the deceased includes three parts:

1) The bride-price valuables, that is, everything that is used chiefly to obtain a wife: copper and brass rings, iron objects, widows and daughters insofar as they represent bride-price valuables.

2) Domestic animals: goats, dogs, hens, ducks.

3) Real property: fruit trees, fields and crops, hunting enclosures, fishing places; and personal property: nets, hunting snares, bow and arrows, shields.

The bride-price valuables become the common property of the close relatives. Each one receives his share of the inheritance.

768 The widows are awarded to the brothers, uncles, and nephews
428 (bǎnankáná) of the deceased, in accordance with their position in
178 the group hierarchy and their respective rights, [444] which may
derive from financial assistance lent to the deceased so that he could obtain one of his wives, or from the application of the nkita system. Rings (bakonga) and iron objects (bifeko) are distributed in the same manner. Similarly, unmarried daughters are assigned to various relatives -- that is, the "fathers" who preside at the division of the inheritance discuss and specify which persons have the right to receive the bride prices that will later be paid for them. Of the sons only the eldest receives a wife or a certain amount of bride-price valuables as bosólo. (1)

1. Chapter III, Article III.

That is the traditional rule. Nowadays a far-reaching change has already taken place. The sons of the deceased are no longer excluded from the distribution. They are given either a wife, or a sufficient quantity of rings, or the right to the bride price of a sister or a cousin, if it is possible. For the rest see Chapter II, Article IV, 3 and Article XI, 3, 13, and Chapter IV, Article II.

The domestic animals go to the biúnanyí, who take them home to their husbands and they are thus included in the amount of the dowry. A few goats, however, might be given to one of the men in the kin group who needs them to complete the payment of a bride price.

As to the other property (real or personal), they pass directly to the sons. The first born receives the lion's share and the most precious items, but the younger sons are not excluded in the distribution.

It should be noted that a will may affect this distribution by assigning a specific object to a given son, or by excluding one of the heirs with whom the deceased has had a serious quarrel. Such a will is always executed, because the Nkundó fear the vengeance of the deceased, who causes anyone guilty of an

768 infraction to follow him in death. It is obeyed even if [445] it is
428 manifestly unfair. They fear reprisal by the deceased, such as that
178 which is thought to have happened after the death of Iloko is Efekele of Lofelí. He had killed his own brother, Mpénda éâ nkotonkale,
[682] because the latter had tasted freshly brewed beer instead of leaving that honor to him -- an action which constituted an extremely serious offense. But since the punishment was out of all proportion to the act, the whole family united against the murderer, who was obliged to flee. At his death he disinherited all his brothers in favor of his sons. This will, considered unreasonable and unfair, was not respected; Iloko's only brother, Bondélé wǎ Wǐlima, took Bonyengú, the favorite, for himself. But he soon died, and his death was attributed to Iloko's vengeance. Several years ago the family met to finally settle the matter of the inheritance. The largest portion was set aside for Iloko's sons, but one part was awarded to other relatives who were not named in the excluding clause, which referred only to the Basékâ Banângâ, that is, to Iloko's own brothers.

Sons are never disinherited. If one of them behaves very badly toward his father, when the latter dies he refuses him his benediction (*bokako w'ɔ̂lótsi*) and curses him *bokako wǎ tu yo*).

3. Inheritance from the wife

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428 As we have seen in Chapter VI, Article II, a wife has no rights of ownership over the fruits of her own labors or of the couple's joint efforts. Consequently, her family can make no claims as regards inheritance; there is nothing to inherit.

Although all the fruits of the wife's activities belong to the husband, most men do not require that their rights be rigidly respected. They leave a part, or the whole, to the family of the [446] deceased, as is done in the case of a widow. (1) After the

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1. See the previous article.

feast at the end of mourning, the two clans make an inventory of the property in question. Usually whatever products of her work the woman has left are divided equally between the two clans. Some

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428 men are generous enough to renounce all of it. If the deceased had an ebísa, or if the parents-in-law give their son-in-law a substitute, the possessions fall to her. She even inherits the fields [culture] that have been set up by her kinswoman, to the extent that they have not been destroyed. Under other circumstances the cultivated lands [plantations] are never left to the family of the deceased.

The only items to which a woman is entitled strictly speaking are the various portions of the bride price and similar payments awarded to her by Nkundó law: goats and spiral bands and the mother's gifts as part of the bride price; the cloth and belt given at a funeral. At a wife's death these possessions pass to her clan, if she has not previously given them to her relatives. In no case may they be appropriated by the husband.

Finally, when a wife dies she may leave a tool (knife, hoe, etc.) to her daughter. This custom is observed particularly by very active women in order to inculcate their daughters with the love [523] of work. Such an object often became an heirloom, transmitted from mother to daughter for several generations. It is called botsíkéjwá (from tsíkela, "to leave to"; see the Latin reliquiae) or, among the Bombwanja, elíli. These terms are also applied to other objects included in the inheritance when these are considered separately (altogether they are called lokutu, "patrimony," "property," or lisangó, "inheritance"). Such a botsíkéjwá can never be appropriated by a husband. [447]

Article VIII

Death of the Fiancé Before the Payment of the Bride Price

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584 Here we shall deal with the situation resulting from the death of a husband during the engagement, after the payment of the ilíulá or the ndanga but before the walo. The procedure for dissolving an engagement may already lead us to suppose that death also breaks it without any special difficulties. And in fact, if the fiancé dies the woman is free. Therefore she may go home, and the family of the deceased is reimbursed for the payments that have been made.

768 584 She can also remain in her fiancé's family and there be taken in marriage by one of his kinsmen. If everything favors the continuation of the union, the new husband-to-be pays the bride price, but he need not repeat the engagement payments, which retain their validity. If he belongs to a distant branch of the family, however, the kin of the deceased will not want to give up their property, and the new fiancé himself will have to acquit himself of all the bride-price obligations, beginning with the *ikulá*.

[763] Sometimes the dying man, in making his last requests, enjoins his family to maintain the alliance. In that case one of his kinsman must marry the woman. If later on a breakup becomes inevitable, the spouses separate. For that matter, if the woman lacks the inclination to remarry in her fiancé's kin group, she will not be forced to do so.

This practice is based on the stipulation of Nkundó law that engaged persons have all the duties and privileges of married couples.

[587] There is nothing among the Nkundó that resembles a levirate. Even in the case we cited of a last will, the obligation derives solely from the sacred nature of that will. [448]

Article IX

The Death of the Woman Before the Payment of the Bride Price

Two situations must be distinguished: 1) The woman dies during the engagement; 2) she dies before the *bosóngo*.

1. Before the *walo*

As has already been said, engaged persons enjoy all the duties and privileges of a married couple. If the girl dies the fiancé must fulfill all obligations toward the deceased and her family (transporting the corpse, sacrifices, *nkunjí*). But his obligations do not end there.

Through the payment of the *ndanga* (and, in practice, already through the *ikulá*) he is considered responsible for any accident that might befall his fiancée in his home; and he has assumed the

168 obligation of completing the union by subsequent payments.

584 The consequence of this fact is that if the fiancée dies before he has fulfilled his obligations, he is forced to pay a large indemnity (*mbálaka*) to his parents-in-law, who have been disappointed and deprived of their rights. The amount of this payment varies. Usually it is about equal to what ordinarily would have been paid as the *walo*, whence comes the expression used in these cases: *énga ilákå* (*ikombe* among the Injóló and the Boángí), "to pay the bride price for the corpse."

Sometimes the woman's family is less demanding. This is especially true if they are very fond of their son-in-law and know that he is wealthy and generous enough to considerably increase the amount of the *nkunjí*, the *ibóleóko*, and the bride price for a substitute. The principle of the indemnity is secure, but its external form is altered and made less humiliating.

In other cases the woman's family raises the amount to be paid as indemnity, either out of greed or because they are not pleased with the union or even opposed to it (this happened rarely in the past but has become more frequent nowadays). [449] Under such circumstances, up to 100 and 150 rings are demanded, as in the following instance whibh occurred quite recently. Ilumbé of Mpámá (Boéndé) took Lokokú of Bongíli wǎ Ndongó for his wife. He paid 10 rings as *ilmlá-ndanga*. When some time later he brought 40 rings for the *walo*, his father-in-law considered them insufficient (and he was entirely right). The small amount of valuables showed the son-in-law's poverty and foreshadowed his insolvency, so Lokokú's family was not greatly pleased with the marriage. Consequently, they refused to accept the rings, which therefore remained on deposit with the *nd*[illegible]. After two years of cohabitation, Lokokú died (July 16, 1933). The family of the deceased demanded 100 rings. Ilumbé could not invoke any excuse or attenuating circumstance. For if he had wanted to fulfill his obligations, he could have done so, as the interval was long enough, and if he knew he did not have the means, he should have given up the woman.

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584 In the past the widower and his family sometimes refused to pay, with the result that the parties took up arms. The right of war was involved. For when the hostilities ended, the culprit was required to indemnify all the families on his side for any member who was killed or wounded. Therefore he ran the risk of seeing all his property confiscated and being sold as a slave if they did not suffice. He found it was wiser simply to submit to normal sanctions rather than run such serious risks.

The situation with which we are dealing in this article may involve further complications if the woman has been living with her own family, or if she belongs to another man whose bride price has not yet been refunded. But it is preferable to deal with these complications in separate articles.

768 2. Before the *bosóngo*

If the woman dies before the *bosóngo* is paid, the widower is not required to pay an indemnity. However, he must complete the bride price by handing over "the slave." [450]

If he does not do so: (1) the alliance is broken *ipso facto*, and therefore he cannot bring the *ibóleóko* and does not receive a substitute; 2) the family of the deceased is entitled to one of the daughters if there are any, or to one of the boys if there are none. This is a compensation for the loss of the *bosóngo*.

Naturally, the woman's family can in practice refrain from claiming their rights. Thus, they may do so out of regard for their son-in-law who is influential, generous, and well disposed toward them, in anticipation of greater financial and social benefits. The similar remarks made throughout this study have already [157] familiarized us with the "broad-mindedness" of these peoples.

It might be observed that this situation is in no way different from the preceding one, since the woman's family is indemnified in either case. But, first of all, if the woman has left no children, the situation is not at all identical. Secondly, even if the financial aspect of the two situations is the same, the legal aspect is entirely different. The taking of a child and the refusal to accept the *ibóleóko* are not considered as compensation. The

768 Nkundó categorically state that the situation now under discussion does not result in the payment of an indemnity.

This observation again brings out the basic difference between jengí and bosóngo, which we have already discussed in Chapter II, Article IX, 2 and Article XII, 5, and suggests that the walo constitutes the marriage agreement, whereas the bosóngo is the substitution of a person for the one that is lost to the clan through the marriage of one of their members.

Article X

A Woman's Death at the Home of Her Own Family

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672 We have already drawn the reader's attention several times to the fact that a husband is responsible for his wife because, in accordance with the clan agreement between the families, she "belongs" to him. [451] The consequence of this stipulation of Nkundó law is that the husband assumes all risks relating to the wife; hence he must take upon himself all the damages resulting from her death. There are exceptions to this general rule, however, under the following two circumstances:

1) If the wife dies while at the home of her own family.

2) If the wife dies after having left her own husband for another.

In this article we will examine the first of these two possible situations, leaving the second one for the next article.

If a wife dies while at her own family's home, an exception is made if certain conditions are fulfilled. There are several situations possible:

1) The wife returns to her family because she is exasperated with the unfair treatment she receives from her husband. He may not be fulfilling his duties toward her, may be mistreating her unjustly, etc., as we have seen in Chapter VI, Article III The situation becomes unbearable. In that case the husband is clearly in the wrong, and the wife has the right to seek a little peace in her parents' home. Under such conditions, if she dies before the

768 husband has come to take her back through arranging a palaver by
672 means of a bofándo, he has no right to complain. He himself
593 brought on such difficulties by his unfair way of behaving. He is obliged to make the funeral payments. Because of the strained relations between him and his father-in-law, the affinal relationship is broken. That is why he will ordinarily refuse to pay the nkunjí, at least when he has had no children by this woman. If he omits the payment even though there are progeny, the children are taken from him by their mother's family.

This situation seldom arose in the past. Young and impetuous husbands were almost nonexistent. The old men kept the women for themselves. Age and experience with life had made them more settled, calmer, more reasonable, so they did not throw themselves into adventures [432] whose outcome were necessarily to their disadvantage. Since today men marry considerably younger, such situations can arise more easily; although, on the other hand, a permanent dissolution of the marriage occurs most frequently before the possible development described.

2) The wife leaves her husband without just reason and, having returned to her family, dies there. In the past such a situation was quite rare (Chapter VIII, Article II, 1, A). If no war occurred before the death of the fugitive (a war automatically terminated the affair), the husband had every right to reimbursement or to a substitution of another wife for the deceased. The situation is therefore identical to the one that follows. But there is no longer any question of sending back the corpse, and if the husband wants to break the alliance permanently he does not even need to pay the nkunjí.

Nowadays this situation has become far more common. It presents no special difficulty; the ancient custom continues to be observed.

It is almost trifling to mention that the matter of total or
768 partial reimbursement of the bride price can be handled through
583 friendly transactions between the husband and his parents-in-law. The following case is typical: Bonjelé of Iémbo (Bonkoso) inherited Bofélé, daughter of Lokélémbé is Ikele of Bongenda. After some years she left her husband, returned home, and died. Her father

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583 sent the notification gift and even added dogs to it, because he was interested in keeping the affinal relationship. The corpse was not sent since the woman had died of an infectious disease and the body was decomposing rapidly so that contagion was feared. Lokálímbá presented the widower with his youngest daughter Mbangô as a substitute. But since she was quite young, *Bonjelô* did not want her. He was satisfied with an indemnity because -- after all -- he too wanted to remain on good terms with his father-in-law. The latter sent him 22 rings as an *ilongô* (slave), and thus the matter was closed. [453]

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585 3) The wife has returned to her family on her own initiative in order to visit her parents, nurse them, or to participate in her family's communal fishing, to get her supply of edible caterpillars, or for any other reason. In such a case the responsibility passes from the husband to the parents. The family must notify the husband of the death (always, of course, through the *ndonga*). When the husband receives the news he accuses his parents-in-law, saying: *lóómbomela walí*, "You have killed my wife." He demands that the corpse be sent to him so that he can wash it, adorn it in an appropriate manner, and mourn for the deceased. Subsequently he sends the corpse back with the *ndonga* and demands that another wife be substituted for the deceased or, if none is available, that the bride price be returned to him. As long as his father-in-law does not fulfill his obligations, the husband will not bring the funeral payments. Moreover, if the family of the deceased is recalcitrant or too slow, he will practice *ikákelo*, that is, he will hold one of his kinswomen who is married into the clan of the deceased in order to obtain her bride price. In this way he will obtain the valuables to which he is entitled; the two bride prices balance one another and the matter is settled permanently. In that case he naturally retains all his rights over his children.

This solution applies on even stronger grounds if the wife's family themselves have called her home.

If the wife falls ill in her parents' home, it may happen that her husband wants to care for her himself.' He will demand

761 a pledge (*ndanga*) from his father-in-law to the effect that the
672 illness started in his home. If he neglects to take this precaution
593 and his wife dies, he has no legal means to claim indemnification.

4) A solution identical to the one described above is applied even if a wife goes to her parents for her husband's personal benefit in order to get him something he needs, such as beer for a [454] feast, valuables with which to settle a palaver, etc. It holds true even if the husband has sent her expressly for this purpose.

This situation easily gives rise to violent disputes, however. The wife's family tries to reject the husband's claims by objecting that it is he himself who sent his wife, or at least that she came to them solely for his sake. Nevertheless, in the end the husband is the one who is right and who wins the case. (1)

1. A stay of twenty-four hours is not considered sufficient to place the civil responsibility for an illness, nor therefore for death, on the wife's family.

5) The wife goes home ill. As we have seen in Chapter VI, Article III, 2, the parents are not willing to nurse their daughter unless their son-in-law -- always through the *ndonga* -- gives them a *ndanga* in testimony of the fact that she was ill when she left him. The husband thus recognizes his responsibility for all possible consequences of the illness. Consequently, he can make no claims in case of death.

Since the civil responsibility for the death falls to the husband, the latter is notified by the *ndonga*, but the family does not send him a notification ring. The *ndanga* for the illness takes the place of this payment. The widower asks that the corpse be brought to him so that he can perform the last rites, and this request is always granted. There is nothing special about the rest of the procedure; everything takes place as if the wife had died in her husband's home.

6) The wife is repudiated by her husband. In the past this happened only if the woman behaved very badly and showed herself to be incorrigible. As we have seen in Chapter VIII, Article II, 1, no. 2, the husband did not send her back to her family; he

768 fastened her to a fork (*etáka*) until he was reimbursed. Sometimes
672 the *ndonga* intervened to free her, but by doing so he took upon
593 himself the responsibility of making restitution of the bride price.
In this last [465] instance, if the wife died in the home of her family, the husband was entitled to reimbursement just as he would be in case of a divorce. Thus we come back to the situation described under 2) and 3), the forms varying according to whether or not the widower wanted to continue the affinal relationship.

[178] Nowadays the situation has changed entirely. The colonial administration no longer permits the use of the *etáka*. Consequently, a man who wants to get rid of his incorrigible wife acts in such a way that she will leave him of her own free will. And the situation is again that described in 2).

If the husband has sent his wife away himself by placing her in the hands of the *ndonga*, his parents-in-law will refuse him an indemnity or any restitution of the bride price and often will not even accept the *nkunjí*. They answer his demands by telling him that he should not have repudiated the wife whom he freely chose for himself. Thus most men resort to the procedure described in the next paragraph. There are circumstances, however, under which this mode of action is more difficult; this is so especially in the case of monogamists, since its execution requires several weeks, sometimes several months. In the interim the wife does as she pleases and neglects her husband, so that the latter practically finds himself a bachelor.

787 Evangelization has added a second difficulty. Catholic
768 marriage is indissoluble. Catechumens and Christians who wish to
672 marry must therefore be careful. Before admitting them to re-
593 ligious marriage, we require that at least the *walo* be paid. But
the young men know the temperament and value of their fiancées only through experience. In almost every case therefore they have this experience at home before the *walo*, in accordance with their ancestral custom. Then, if one of the two parties is pagan (which happens very often), the disciplinary rules of the Catholic missions in the Congo require that they spend a minimum of six months

797 preparing at a mission station or catechumenate [436]. During
761 the experimental period, the engaged pair sometimes find faults
672 in each other which lead them to foresee a married life filled with
595 difficulties and resulting in a breakup. Therefore it is preferable that they carry out the required measures before marriage. The woman is usually the source of the difficulties. The female sex has hardly been touched by evangelization, chiefly because pagan parents, who do not oppose the Christianization and education of their boys, take their revenge on the girls. What they fear particularly is the girls' opposition to premature marriages or their flight to the centers. For those people, therefore, it is almost impossible to get round the difficulty in such a way. As the situation is not provided for in traditional law and, furthermore, most of the natives who hold power are clearly indifferent, if not hostile, to evangelization and the stability of Christian marriage, these special circumstances are not taken into account in any way, to the great detriment of the young people who are thus caught between their consciences and their temporal interests (which in this instance have strong repercussions on their moral life). The attitude of almost all the chiefs and judges in this matter is not contrary to ancestral law -- since the situation was unknown -- but it is certainly opposed to the spirit of that law.

7) The couple go to the home of the wife's family together.
672 Illness and death that come unexpectedly during such a visit are
761 imputed solely to the husband, who retains all the risks except,
595 of course, if the husband returns home but his wife does not follow him, remaining with her parents. Indeed in such a case we fall back on the solution described in 2).

8) Here we come back to the possibility indicated at the end of Article IX, 1., namely that of the wife who dies in her [437] family's home before the walo is paid. If the husband is in the wrong (see under 1), 5), and 7), the solution given in the article in question retains all its validity: the husband's "responsibility" remains intact. In the other instances it is reduced but not taken away. Actually, two laws are in conflict. On the one hand, there is the "responsibility" of the husband who has not fully acquired

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himself of his obligations, and, on the other, the "responsibility" of the woman who did not remain with her husband. To draw a comparison from the realm of accounting, there are two sides, debit and credit. But the latter lies chiefly on the side of the woman's family, for at the time of death the woman is not yet a wife in the full sense of the word. Consequently, the husband must pay an indemnity. But the fact that his fiancée died at home with her family is for him an extenuating circumstance as a result of which the indemnity is reduced, so that he need only pay about a half, that is, around 25 to 35 rings.

Conclusions

The explanations given may seem a little wordy. Nevertheless, it was useful to indicate all the diversity of possible situations in order to deduce the rule and to grasp the basis of the system from actual facts. Everything considered, it would thus appear that the husband assumes all risks with regard to his wife, and that he must bear all the damages resulting from her loss. She really belongs to him and not to her family in spite of any impression one may have that on the contrary the woman belongs more to her parents than to her husband. For even in the instances where she dies in her parents' home, having gone there for a justifiable reason, her death is considered an injustice toward her husband, since a wife's place is in the conjugal home. Such is the general rule. Exceptionally, in special instances defined by law, a woman's parents reassume the risks for her, that is, they again become responsible for her. [454]

Article 33

A Wife's Death in the Home of Another Man

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Here we will consider what happens if a woman who has left her husband and gone to another man dies in the home of the latter before the restitution of the bride price to the former. Two situations may arise:

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1) The walo may have been paid by the second husband, but restitution to the first husband may not yet have been made. The latter is entitled to reimbursement of the bride price just as he would be if the woman had not died (Chapter VIII, Article III), whereas the rules given in the preceding article are applicable to the new husband.

2) The walo may not yet have been paid; in that case the second husband must conform to the rules given in Article IV, 1 and Article X, 8). The first husband must recover the valuables to which he is entitled in accordance with the rules indicated in Chapter VIII, Article III.

Here are two recent instances:

Ilomɛ́ yĚ Lokombe, daughter of Ilotama of Bonsole wĚ Yŭyolonda (Bongili), was married to Baleka of Nkɛ́lenjɔ́lɔ́ (Losange, Bombwanja). One day she went to Bompumbɔ́ to be baptized by the Protestant missionary. On her way back she was delayed by Ilumbɔ́ of Ɛ́mbo (Bonkoso), who wanted to marry her. He gave Ilotama an ikulɔ́. Shortly thereafter Ilomɛ́ died. Ilumbɔ́ was obliged to pay a large indemnity, equaling the entire bride price, to Ilomɛ́'s father, who in turn had to reimburse Baleka.

Ɛ̂mbɔ́, daughter of Nkɛ́langa of Ifunɔ́ (Bongili) was married to Yɛ̂njwa of Boɛ́mbo. She left him for Bongɔ́ngɔ́ of Bosambɔ́, who paid the ikulɔ́. One day when Bongɔ́ngɔ́ was returning from a trip, Ɛ̂mbɔ́ ran to meet him in order to bid him welcome. But in her haste she struck the root of a shrub, stumbled, and fell. Her fall must have caused internal injuries, for she was forced to remain in bed and died shortly thereafter. Bongɔ́ngɔ́ was obliged [458] to pay an indemnity of 30 rings plus two slaves, or a total of 80 rings, to Nkɛ́langa, who in turn reimbursed the first husband.

The case is comparable to that of a wife's death which occurs in her husband's home but is caused by another man -- who either had daily relations with her or caused a pregnancy which resulted in her death. The responsibility in either case falls upon the lover, who must indemnify the husband. The indemnity is always very large, equaling the amount of a bride price or more. (1)

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1. See Chapter I, Part II, Article V, 1, and Chapter VI, Article VII, 6.

768 672 178 Colonization has given rise to a new legal situation which is not provided for in Nkundó traditional law. If a woman takes advantage of the freedom permitted her by colonial legislation and goes to a mission to obtain instruction and make a monogamous marriage, and then contracts an illness from which she dies (at the mission, in the hospital, or even in the home of her family -- a question of place which has no legal importance), we find ourselves confronted by an entirely new situation. The husband no longer considers the woman his wife since she has left him, even though theoretically she continues to retain that status. On the other hand, she has not gone back to her family or gone to live with another man.

Polygamous husbands want to throw the "responsibility" back upon the woman's parents. But actually they have no part in the events, and it is unfair to involve them in the situation.

[797] They do not bring the mission into the matter. As a matter of fact, the mission performs a service to the woman and to society as a whole in trying to elevate it morally and culturally.

What should one think of this situation? In the preceding article we have seen that the husband assumes all risks in relation to the wife. Certain exceptions to this rule [480], which we have explained, have been formulated in Nkundó law; but outside of them, the law retains its dominion, since the exceptions are narrowly defined. Thus it applies to the situation with which we are dealing, and consequently the damages must remain on the husband's account.

Moreover, this interpretation is to be encouraged for the following reason:

The purpose of the legislation involved is to protect freedom in this matter of capital importance and to favor monogamy and the gradual abandonment of polygamy. Polygamists -- as a group -- must perforce suffer from it in one way or another. It is inconceivable that a struggle against an abuse would not affect the persons guilty of it.

Such cases are still very rare, but their frequency may increase with the progress of evangelization.

768 672 682 In terminating this discussion we must make one point that is related to both of the last two articles. The cause of death has no

768 legal importance. The solutions given are the same whether the
672 cause of death be organic or criminal. If the latter is the case,
682 however, the murderer must pay an indemnity, which is given to
the person who has been wronged, whether it be the woman's husband or her family; in any case he thus satisfies the requirements of justice.

A woman may be murdered while she is visiting one of her husband's kinswomen in accordance with her husband's wishes. In that case the sister-in-law's husband bears the responsibility. He must indemnify the victim's husband, and he himself is entitled to indemnification by the murderer. To simplify this procedure, the murderer can make his payment directly to the widower; justice is still safeguarded. But in no case does the indemnity go to the victim's father, for legally and economically it belongs to the husband, not to the father, who is indemnified through the funeral payments. [461]

Conclusions

1) A marital union is broken by death only for the person who
581 dies. For the one who remains alive, the dissolution is completed
768 only after other procedures. If the husband dies the widow remains
the wife of the heirs and is free only after restitution of the bride price has been made. At the death of the wife the husband can marry a substitute.

A widow's remarriage without restitution of the bride price
581 (and therefore without a new bride price), or that of a widower
587 with a substitute, is considered a continuation of a pre-existing
768 union which has not been dissolved. This continuation is not
absolute, however. Actually, it is perfect only in the case of the husband's death, in which case his kin group inherits all his rights and therefore also the rights to the wives he has acquired by means of his capital. On the other hand, if a widower is to continue the relationship after his wife's death, he must pay another bride price.

The difference between the two instances is due to the connection of the bride price with the "ownership" of a woman; she remains subject to it and as a result becomes legally the spouse

768 of her husband's heirs after his death. Only her own death takes
591 all power away from the bride price, which then becomes a purely
587 material value.

That is why the Nkundó expression "continuation of marriage" is ambiguous. For a widower the marriage continues from the standpoint of ties between families. But from the legal point of view there is a new marriage, since he pays a new bride price for the substitute, and there is therefore an entirely new contract. Only for a widow does the marriage really continue, as long as there is no divorce between her and the deceased husband's heirs. The agreement retains all its validity in her person, whereas the husband's obligations are transferred to the heirs. There is only a change of the persons subject to the agreement, which is therefore in no way annulled. The question here is a substitution in the role of husband. [462]

The preceding should be understood as relating to the financial agreement or bride-price contract as we have explained in Chapter III, Article IX. For the conjugal pact or consent agreement is annulled by death, since an heir as well as a widow must interpose new acts in order effectively to become man and wife. What the Nkundó call the continuation of marriage is therefore only the continuation of the bride-price agreement between the families, and not of the conjugal pact between individuals.

It would be desirable to have a moralist thoroughly examine the philosophico-theological validity of the continuation of this marriage after the death of one of the parties. Personally I think that for the widow, and on condition that nothing else opposes it, it is valid. For consent is expressed by the man through the payment of the bekooli and by the woman through the act of accompanying the man as his wife.

2) From the economic standpoint, death does not change
768 the situation that existed during life. The various bride-price valuables remain in the hands of the respective parties. The difference between the consequences of death and those of divorce are therefore very clearly delineated, as was indicated in the Conclusion of Chapter VIII, Article III.

768 3) These legal and financial rules confirm the conclusion drawn in Chapter VI, Article II and those that follow, that a wife belongs to her husband legally as well as in fact, even though she does not leave her clan.

4) They also support the conclusion of Chapter II, Article IX, 5, that for the marriage agreement the walo is the essential element among the various bride-price payments.

5) Finally, they demonstrate the legal priority of the conjugal union above the clan and family society in spite of facts that can often be observed which would appear to contradict this statement.

Chapter X

Children

600 A study of marriage would be incomplete without a chapter on the subject of children. Their procreation and education constitute the finis operis, the natural result of the married state, a state which for man, as a reasonable being, is the only legitimate form of carrying out the propagation of his species, the specific objective of sexual life.

This subject could be expanded more extensively than is possible here. We will pass in silence over a number of interesting facts related to it which fall outside the limits set for this work. For example, we will exclude the question of adoption, since it does not deal with children in connection with marriage, but only within the general rubric of family and society.

Even within these limits this chapter alone would comprise an entire volume were it treated with the fullness it merits. We must therefore confine ourselves to generalities and discuss only those particular situations which are most frequent and common.

As to the order of discussion to be followed in this chapter, and after a few preliminary notes (Article I), we will examine in succession:

Article II. Conception and pregnancy
Article III. Childbirth

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Article IV. Nursing
Article V. Naming
Article VI. The question of twins
Article VII. Circumcision
Article VIII. Education
Article IX. Rights over the children [464]

Article I. Preliminaries

1. Generalities

842 The Nkundó like to have children. Not only do they like to have daughters, as some too superficial colonials sometimes maintain, but they like to have boys just as much. It is true that a daughter carries the hope of a bride price and all it represents for polygamists eager for pagan glory and carnal pleasures; yet a real preference for children of the weaker sex is seldom observed. What one does encounter, just as in Europe for that matter, is a desire to have a child of a particular sex when, for example, the other is already abundantly represented in the household. Thus a native who already has several boys but no girl or only one, will make offerings to obtain a sister for the boys. That he should do so is hardly astonishing since among these people a sister is the proper and sometimes the only means by which a man can acquire a wife. On the other hand, a father whose progeny are exclusively, or almost exclusively, members of the female sex ardently desires the birth of a son, an heir to the fruits of his labor and someone who would be able to aid and assist him in his old age by building him a hut, clearing the forest for him, and bringing him game or the products of fishing.

842 855 Actually one seldom hears these preferences expressed. The impression one gets is rather that the Nkundó love their children as such and also because, whatever their sex, they greatly contribute to the reinforcement of his social position; the two motives are inseparable in practice.

It is sometimes maintained that the natives do not refuse to have children because their coming does not inconvenience them in any way, nor do they impose crushing financial obligations

842 855 upon them; their upbringing costs them nothing, whereas among Whites the maintenance, dress, food, instruction, and occupational placement involve considerable expenses. It cannot be [465] denied that while the modern European is exacting from all these viewpoints, enchained and blocked by an ever growing multitude of needs, the material life of the native is simple and his necessities are reduced to an indispensable minimum. Nevertheless, it can hardly be said that it is as easy for him to raise a large family with many children as it is to have the responsibility of a smaller number. Without speaking of clothing -- especially at the present time -- there is the food for growing children, which forces him to clear a greater expanse of forest and to work harder at the various ways of fishing and hunting; and when the time comes for the sons to find wives, he is the one who must arrange to procure the valuables needed for a bride price.

For their part, Nkundó women like to transmit life as much as the men, if not more so. Pregnancy may make them disagreeable and grumpy and sometimes cause them pain, but they put up with it and, as a very general rule, do not think of depriving themselves on that account of the happiness of giving birth to a cute little creature, of nursing it, of carrying it in their arms or on their shoulders. The difficulties and pains of maternity do not repel them. Although later, during the payment of her daughter's bride price, a Nkundó woman's greed will lead her to loudly claim the payment due her and even sometimes destroy her child's love because of delaying this financial operation, the delay does not come to their minds until the time comes.

In short, the Nkundó woman feels a perfectly natural, maternal love for her child.

There are of course exceptions to this general rule. And
842 855 152 the contrary would be astonishing for a pagan population who give free rein to all their passions or, at least, restrain them only very [466] slightly, and whose love is far from the perfection one may find among a people ennobled by fifteen centuries of Christianity. Moreover -- as all the preceding pages testify -- our Nkundó are not fashioned from a uniform mold notwithstanding the impression given by certain colonial and ethnological works. All the individual

842 differences can be found here, although they are less apparent to
855 a European observer since we usually approach the natives as a
152 group and our contact with them is often too impersonal.

2. Abortion

847 A great enemy of maternal love is the practice of abortion, which has always been known to the Nkundó. Here we cannot describe all the prescriptions used for that purpose. It will be sufficient to enumerate the reasons for which they have recourse to this practice. They are as follows:

) A woman's lasciviousness: the procreation and subsequent care of a child to some extent prevent the indulging in carnal pleasure. Formerly this cause of abortion was nonexistent or very [illegible] rare. Needless to say, it has become more common, especially in the centers where it is constantly on the increase and where, in addition occasional or regular "housekeepers" learn new means of sterilization and abortion.

) A woman's antipathy or persistent anger toward her husband may encourage her to prevent conception or destroy its effect.

) An excessive weakening of the mother's organism caused by a large number of conceptions and childbirths at too short intervals.

4) The encumberance and the difficulty of watching, carrying, and taking care of many small children -- bɛ́lota bokɛkɛsano [467] [illegible] wà bɛ́ɔw nsɛ́ɛlɛ́ nsɛ́ɛlɛ́. This reason is especially important for well-known dancers.

It goes without saying that several of these motives may be combined in the same person. For instance, I knew of a woman who aborted at the time of her eighth child. Her recurrent pregnancies, together with continuous work, had greatly reduced her strength. A palaver with her husband was the last straw; she decided to get rid of the fruit she carried in her body.

Outside of these exceptions the natives of this country ardently desire their own continuation through a large number of progeny. (1)

[illegible] 1. The same is not true elsewhere. Examples to that effect are cited from regions that are

847 [184] already more "civilized," such as the neighborhood of Coquilhatville and the Losanganya region.

847 848 Attention should be drawn to the danger of an increase in abortions for a new reason, namely the shame of giving birth outside of wedlock. As we have seen in Chapter I, Part II, Article IV, 3, premarital pregnancies have existed since time immemorial without resulting either in remorse or in palavers. Through the teaching of Christian morality, the feeling of shame must sooner or later be extended to this phenomenon. In explaining the evil of fornication, care should therefore be taken to insist on the fact that transgressing the Fifth Commandment by abortion is a far greater evil.

847 845 Voluntary abortion is not considered a moral error by the Nkundó. (2) In their eyes an imperfectly formed fetus, not viable,

2. An attitude which also exists in Europe at the present time, according to Haenecour in Kultuurleven, Vol. 6, no. 1, p. 21 (1935), and the brochure by Prof. D. Schockaert quoted there.

is not yet a man. It is only a human being in the process of formation, in potentia. Hence the custom of burying the aborted child
847 in the [468] hut or quite near it. Thus the spirit responsible for the
[766] pregnancy will see that it is respected and repeat its benevolent
[776] action. (1)

1. Others explain this custom by saying that the fetus already has a soul which remains near the tiny body and will take the first opportunity to re-enter the mother's body.

But if it is voluntary an abortion is always a wrong against family and society, for it deprives the family of a member on whom

841 they could count. Nevertheless, if it happens to a young unmarried mother, little or no fuss is made over it because no one can feel wronged; at most the culprit is scolded. For a married woman, on the other hand, it is one of the most serious infractions. Her husband has an immediate right to the fetus that would have become his child. He cannot beat or mistreat the offender in punishment, for her condition will not permit violence, but he can abandon her to her fate by refusing her all assistance, in particular by refusing to bring her firewood, the heat of which she greatly needs under such circumstances. For she has done him an enormous wrong and has acted with real malice (aônjokel'inkúnyɛ̂, he says), since he married her chiefly so that she would give him descendants. If she dies it is her own fault. Even her family will not support her, for
[482] they would be accused of being involved in the crime; inevitably they would lose the case and be condemned to indemnify the husband.

An abortion which is ascertained to be involuntary [i.e.,
843 a miscarriage] is treated like an accident or an illness and the appropriate legal stipulations are applied to it. Thus if it happens while the woman is at her parents' home, the responsibility for it falls on them. Usually the palaver is settled in a friendly manner; the family makes a few nkɔmɛ́ payments, and the question is closed. If relations between the husband and his son-in-law are somewhat strained, the dispute may be drawn out and may result in the breaking up of the marriage. If the woman dies from the accident, the rules given in Article X of the preceding chapter come into play. [468]

Article II. Conception and Pregnancy

The Nkundó have only a partial notion of the phenomena of
842 conception. They are well aware of which acts cause the procrea-
153 tion of children. They have a perfect knowledge of anatomy and a rich vocabulary pertaining to sexual life. But they know only as much about physiological processes as experience can teach them. Furthermore, they believe that the act of procreation must be repeated several times in order to produce its natural result. Now,

Note,

842 finally, that sexual relations are strictly forbidden to them during
833 menstruation (*-kona* or *éna nsóngé*, literally "to be ill from" or "to
[843] see the moon," and other similar expressions). The reason given
is that a woman in that difficult condition should be spared all
additional annoyance.

1. Elímá

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776 The Nkúndó attribute the procreation of children sometimes to God (Njakomba) and sometimes to spirits (*elímá*, pl. *bilímá*). God forms (*-ánga*) the children in the mother's womb, but at the same time the *bilímá* provide the men among the progeny. (1)

[192] 1. Contrary to what is reported by Father Lestaeghe (*Congo*, 1922, Vol. 1, p. 363) concerning the Ekonda, the tribes that I have known never address prayers for children to God, although they attribute the gift of children to Him. This matter does not concern God (Njakomba or Mbombiándá) directly, but rather a particular *elímá*.

Sterility, which is a common phenomenon here, is not imputed to sorcery but is considered an innate flaw. Natives usually claim that God refuses them children.

There is no point in trying to make the natives resolve this apparent contradiction; they would not succeed. They simply state the two points. I say "apparent contradiction," for as the Nkúndó admit that the *bilímá* are subject to Njakomba, the contradiction is not real, and the two propositions can be [470] reconciled by explaining the intervention of the spirits as an operation which is dependent on divine action: they are secondary, intermediary causes, although our natives do not make this philosophical analysis.

To explain all the beliefs pertaining to spirits would be to go outside the framework of this study. Nevertheless, we cannot leave out those details which closely touch on our subject.

776 823 There is a large number of diverse spirits, and almost every village has several in its territory. Each one has its own habitat in some singular place or object which stimulates the imagination: enormous trees, oval hollows which form ponds of a sort (jɛ́mbo, pl. baɛ́mbo), steep slopes, extraordinary pieces of limonite, whirlpools in streams and rivers, etc.

776 842 The Nkundó pray to the bilímá in order to obtain children. For that purpose they make offerings of food and money. To test someone's feelings toward it, an elímá may come to him in the evening or at night in the guise of a known person and ask for some small present. Unhappy is he who shows himself to be stingy: he will be deprived of the object of his desire, or his child will be premature or born sickly or deformed.

783 842 776 In addition to taking a generally friendly attitude toward the spirit, another means of ensuring his intervention is open to a woman. She can procure some kaolin (popgo) at the spirit's habitat (a jɛ́mbo, preferably). In the evening she mixes it with some plants. She smears her abdomen with this mixture, known as isaá. [843] She continues the treatment throughout her pregnancy: it has the property of removing everything in her which is of such a nature that it might oppose the spirit (ákékola lokeko jwá bilíma íkle ndá likundó).

776 842 Certain water spirits are known for their generosity, for instance Itímbálombé or Ekótalombé of Mpakó, [471] who is considered to be a female being. She goes on distant voyages to seek a supply of children. On her return she appears to someone and communicates the news to him so that he may spread it. But she orders all women who desire her favors to observe some form of abstinence. Sometimes she sings to amuse or calm the children. On that day mothers must not use songs to pacify their little ones or to put them to sleep and can use only soft words for that purpose. Otherwise the child would die, for to do so would be to disregard the old elímá's kindness.

[781] Sometimes the spirits give signs of their blessing. A woman who is bathing on the shore just at the time a cargo arrives there will soon see her most intimate wish fulfilled. From forest spirits

776 842 [791] women receive other signs: an unexpected obstacle in the form of a stone, a stump, a root, the capture of a tree frog which comes and jumps onto the shoulder, etc

A spirit loves and protects only a child he himself has given. He abhors and hates to the death the living gifts of his fellow spirits. If there are several bilímá in the vicinity of a single village, however, the Nkundó explain the absence of the usual rivalries by considering them as related; one is the husband, another the wife, others the children; that is why they do not oppose each other.

Thus an elímá is hostile to any fetus not of his creation. 776 843 Nevertheless, his spiteful action only begins at the end of several weeks, and even then the pregnancy must have gone far enough to be visible (émi jômela isómbá) Does it take time for him to obtain evidence that the fruit in question is undoubtedly his own gift?

In any case the consequence of this belief is that a woman who has been pregnant for several months cannot long [472] reside in foreign parts, and one who, after conception, has accompanied a husband who has gone to work elsewhere, returns to her village to complete the last period of pregnancy and to deliver,

However, there is an antidote (mengó) against this murderous action of the spirits. [751] It may be obtained from a person who knows the recipe (this person is not the nkanga or "doctor"). The protective compound is wrapped in a bit of cloth and, by means of a thread of fibers from the lokóá creeper, is tied in the middle of a rope braided with the fibers of the ikuluyafndé bush, which the threatened woman ties around her hips. (1)

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[114] [115] 1. These data on the subject of the elímá is diametrically opposed to the ideas of Father Schebesta (Vollblutneger und Halbzwerge, p. 241, and W. Schmidt, Der Ursprung der Gottesidee, Vol. 4, p. 322), based on the word of his interpreter, Bern. . Bongonga of Bodlama (Bombwanja) (now deceased), who was

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obliged in my presence to retract his statements under the pressure of crushing objections on the part of a considerable number of other natives See also Father Boelaert, Hooger Leven, 1935, p. 60, and Congo, 1936, Vol. 1, p. 42, as well as Hulstaert, Congo, 1936, Vol. 2, p. 670.

2. The beginnings of pregnancy

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The first months following the cessation of menstruation are called bofoswa. The oral expression is -foswa jémi (jémi meaning "fetus")

A woman who has just conceived no longer has any success in looking for caterpillars or in fishing (by scooping, whether with balɛ́ngɛ́ hooks or drugs, called lisola). She is unable to catch anything while the efforts of her companions are fruitful. That is because the bofoswa is wěká, that is, a cause for a lack of success (bómoto ôa wěká ëfóáte) Note that this word may be derived from the verb ëka, "to place an obstacle."

The husband of a woman in this condition is no better off. His wife's wěká is communicated to him as well as to all those of his relatives who [473] live in the same village or, as the natives say, ölé mpoké emɔ̂kɔlɔ́, "one who eats from the same pot," and okisɛ́ ilɔmbɛ́ ïmɔ̂kɔlɔ́, "one who lives in the same house." Friends are not harmed, even if they live in the same settlement as the pregnant woman, nor are relatives living elsewhere.

The wěká brings misfortune to anyone tainted with it. Thus if he goes hunting, he will return empty handed; if he participates in a war he will be wounded. Furthermore, if there is a leopard in the vicinity he will choose to kill that man. An elephant will detect his presence and try to kill him. A snake will bite him more readily than another. At market he will be charged more for everything.

This burdensome situation continues during the entire period of pregnancy, hence until the birth of the child.

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The Nkundó know an antidote (nsengó or losenjó), however, a means of getting rid of such annoying obstacles. Of the three known processes the last is especially common at present.

[125] 1) The husband (or any person to whom the weká is attached and who wants to be rid of it) picks up a nkóngolí chilopod, naturally by means of a leaf, encloses it in a large leaf which he binds with a thin creeper, and makes a small package of it, as one makes a package of meat, fish, etc. He gives this package to his wife, who thinks it contains food and opens it without any suspicion. But when she sees the detested arthropod, she throws it far from her with cries of disgust, while her husband says to her, "You are the one who remains with the wéká." As a result he himself is freed from it.

2) A second means is to take the pregnant woman by the nose when an opportunity presents itself and to say to her: "May the wéká remain attached to you."

[252] [264] 3) The woman prepares some imbóndó (manioc leaves [474] salted and dipped in palm oil). The two spouses eat it together contrary to the usual practice. But the husband arranges matters in such a way that his wife gets the last mouthful and keeps the leaf which serves as a plate and represents the wéká. Then the husband says to her, "Keep the wéká for yourself."

The wéká cannot be detached from the woman, for she is the bomóngo wéká, "the owner of the wéká," the one who is the basis for it. For her it continues until the child is on the point of being born (elaká ô jéfai jéfindo, literally "he has come to the end of his growth," or jôfákama, "has turned to one side"), and thus, in practice, until the birth of the child.

[752] If a first wife dies at the beginning of her first pregnancy, a cesarian operation must be performed on her. The fetus is removed (it is still no more than an embryo -- ilóngólá or bokelá, literally "an egg," or ilóngó, literally "blood") so that it can be buried behind the hut. An omission of this practice would result in the death through pregnancy of the deceased's husband's other wives or of the women he will subsequently marry.

3. The period of prohibitions

[843] When a pregnancy is far advanced -- about two or three months before delivery (a period which has now been reduced to one or two weeks) -- the Nkundó proceed with the "preservation of the fetus" (bâomba jémi, "they preserve the fetus," or bâaka jémi, "they fasten the fetus"). The period called bokoka or bokoko begins at that moment and does not end until after childbirth. The oral expression is lôomba bokoka, "to bind the period of sexual prohibitions." (1) This term also extends to all special prohibitions (bikilá) resulting from this condition. [472]

For the first pregnancy the period begins with the following
[786] ceremony: The woman's mother smears her daughter's head and
[302] all of her body with a red paint called ngola. This paint, usually used as make-up, is used here as a mark of affection and given to honor and congratulate the future mother on this happy occasion. When the ngola is somewhat hardened, the mother smears her daughter's hair with it and rolls the hair into little balls, using an iron bosingó, which is the instrument usually used for hairdressing. Then she gives her daughter a hen and some bananas to eat. From then on the pregnant woman may no longer eat hens, for the con-
[262] sumption of this bird (which the Nkundó place in the same category as ducks) and its eggs would stop the normal development of the fetus. The ceremony is called ila bongana (ejaka among the Bombwanja), "to smear with red paint in little balls."

The woman's father and the husband's kin feel strongly about being present at this ceremony, for it is considered very important. I know of an intense palaver which occurred because

[834] 1. The expression lôomba lilondó is also used. A similar period of sexual prohibitions called by the same name still exists for, among other things, circumcision, the construction of a hunting enclosure, and the setting of elephant traps.

[843] a woman's mother proceeded with the ceremony in the absence of the husband and his family. The latter were furious. They revealed the matter so that if anything should happen later to the mother or the child the law would be on their side. In that way the husband could evade responsibility and place the blame on his wife and her family so that they would have to pay an indemnity.

The pregnant woman does not remove the paint for three or [302] four weeks after the ceremony. Nowadays the use of paint having [178] disappeared except for certain occasions and among older persons, it is left on for only one night. In addition the surface smeared has been reduced to a line in the middle of the head or even one single spot.

[illegible] During this ceremony the Bombwanja have a public confession [illegible] (*etamo*) of the lovers. But since the Bokote wait until after delivery, we will deal with it later on.

On the night following the ceremony described, the couple [833] [476] "fasten the fetus" through their carnal union. Were they to omit this act, the child would die before birth.

For subsequent pregnancies the fastening of the fetus is no longer preceded by the same formalities.

The couple continue to have relations during the entire [833] period of pregnancy "in order to open an easy passage for the child." [837] On the other hand, they must strictly observe marital fidelity. [595] Nevertheless, a polygamist may have relations with his other wives.

In addition to this essential act, the interdict also includes a secondary part: the couple may not even commit acts even very remotely related to procreation. Thus they may not:

1) Touch in any way whatsoever -- even by shaking their hands -- persons with whom they have had adulterous relations; such persons must therefore be avoided.

2) Sit next to such persons.

3) Look at them.

4) Enter a house or apartment where they are.

5) Eat "from the same pot."

6) Lie in another couple's bed.

7) Other persons may no longer sleep in the bed of the couple bound by the *bokeka*.

843 This law requiring a most strict fidelity lasts until the end of the bokeka for the husband, but until the weaning of the child 837 for the wife. It is especially strict for the period of seclusion (see below, Article III, 3).

The violation of the essential stipulation of this interdict (-fénda bokeka) results either in the death of the woman during pregnancy and especially during seclusion or in the death of the child later on. [477]

A. If the woman dies during this period, the suspicion is placed a priori on her husband. The Nkundó say aófénda wǎlɛ́, "he has transgressed against his wife." Unless he can prove his innocence through public actions, the judgment of a magician, or autopsy[sic].

If the woman has been the victim of a seducer, he is held responsible and must pay a large indemnity equivalent to the bride price that was paid for the deceased. If no other man is involved, the affair has no consequences.

843 In the past the combined autopsy and Caesarian section was 763 always performed. It had a dual purpose: to remove the child and 754 to examine the mother. If the operation revealed the existence of 845 a "stomach" (likundé), the deceased was of a noxious (liloka) 853 nature or constitution and therefore caused the death of her child. If the child remained alive, it proved that he was of a magically superior nature and was able to resist the natural evil spells of his mother, which thus turned against their unwitting author. (1)

1. The Nkundó believe that only animals have a "stomach" (likundé). If a human being has one, that is, if his viscera are large, curved, in compartments, in a word, abnormal, that person is an evildoer. He commits evil acts voluntarily or, most frequently, unknowingly. Some men with a likundé can be recognized by the fact that they eat their nails, hair, etc. The Nkundó must certainly have observed relationships between this habit and a deformity of the stomach.

853 The child is given to a wet nurse (a kinswoman, a stranger, a Botswa woman, depending on who is available).

847 845 753 If the mother's body shows no signs of evil-doing or of "the hatred of others," it is thought that her death was caused by evil spells on the part of the child. Thereupon some kill the child to prevent it from doing harm during its whole life; others, on the contrary, spare it despite everything.

843 837 If the husband (for it is he above all who is involved, since he is most exposed to possible lapses) has unfortunately been guilty of misconduct, his wife has only a slim chance [478] of salvation. Nevertheless, it is still possible for her to be saved, on condition that from then on her husband abstain from any sexual act and from all the accidental gestures and actions described above. The least he can do under these circumstances is to inform his wife of his indiscretion so that she can take precautions. If he wants to
[672] ward off any possibility of causing his wife's certain death, he sends her home and gives his father-in-law a pledge (ndanga) through which he recognizes his guilt and shows his intention to assume the entire responsibility for his misdeed. An upright man prefers to act in this fashion, for he never knows whether one day he will not inadvertently violate one of the prohibitions.

853 837 B. The child's death is the result of the putrefaction of the mother's milk, the mother being thus incapable of nursing. As in the preceding case, the offense is a priori imputed to the husband -- isé aboma bona la ndota. (1) Since he has wronged no one but himself, no palaver ensues; the "natural" punishment is sufficient. This does not mean that he is not the object of evil tongues; people point at him and at times remind him of his misdeed. To remove the blame from himself, he can resort to

[753] 1. Ndota is an illness caused by the violation of prescriptions of a sexual nature (See Chapter I, Part II, Article IV, 2, A).

695 an ordeal or ask a magician's judgment or a magical practice to
787 reveal the culprit. The culprit who is discovered is not subject to any social sanction; he is punished by the ordeal itself or the spell cast against him.

[684] If the mother's adultery is proven through her having been caught in the act, her seducer is considered guilty. He must pay the death indemnity (20 to 30 copper rings). The woman is not at all involved as far as society is concerned; it is a matter between her and her husband.

In order to prevent any harmful effect on the child, the
757 Nkundó resort to a potion called bondandera, which will be ex-
854 plained in [478] the next article, 3. "Medication" by scarification might also be mentioned. This therapy is applied to the parents as well as to the child. If the father is wealthy, he invites the wife's family to come and perform the operation themselves. As in all comparable situations, the invitation is accompanied by the handing over of a pledge, and farewell presents (belingelo) are given at the end of the visit. In addition the wife very often goes to live with her parents for some time after her seclusion in order to increase the efficacy of the treatment.

The sanction incurred for a violation of the secondary
843 stipulations is less serious. For instance, the pregnant woman suffers
[684] from violent migraines, which often cause fainting and sometimes make delivery very difficult; thus they can even cause death. The husband is seldom bothered by these headaches. But he takes great pains to faithfully observe the law in order to spare his wife such painful consequences and to avoid the death of the child being born.

Apart from sexual abstention and the rules connected with it, the couple are also subject to various prohibitions which are clearly based on superstitious ideas. Thus:

1) They must neither go down into a well nor dig in the earth. The woman would die, for it is as if they were digging her grave.

2) They must not carry anything together with another person, for that is how corpses are carried, and such carrying would be the cause of death, through imitation of the woman's funeral procession.

843 3) They must not climb up on the roof (they are not forbidden to climb a palm tree in order to cut off nuts).

4) They must not eat animals killed by a carnivore (leopard,
843 crocodile, etc.), or the child would die a sudden and unnatural
262 death like the victims of such wild beasts. [400]
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5) They must abstain from animals such as porcupines, anteaters, certain birds, crocodiles, and gavials, (1) who are in the habit of living in the hollows of trees or in dens. The delivery would be very painful if they ate them, for the child would roll up and crouch in the mother's womb. Fish that find shelter in passageways do not produce such consequences and are therefore eaten.

6) They must not eat turtles (2). A very difficult birth is feared, for the turtle withdraws into its shell and encloses its anal extremities as in a vise, and the child would do the same.

7) They must not eat the head of a monkey. The child would be born with deep-set eyes resembling the monkey's.

8) They must not eat the large antelope known as *mbuli*, because it has a long neck and flabby flesh, and the child would acquire the same defects.

[753] 9) They must not eat the *liofili* fish, which would cause migraines, since it swims fiercely without direction.

The results of *bokeka* and the obligations resulting from it
592 are connected with natural paternity. Thus, if a woman becomes
848 pregnant as a result of relations with a regular, recognized lover, the latter must assume all responsibility. He is required to "ferment the fetus" and to observe all the regulations pertaining to the

1. In this region women never eat snakes or bats (*lokóma, lyakidi, fuluyé*).

2. In some tribes (Bongili, Bonkoso) women always abstain from eating such reptiles.

843 837 bolenja. The same is true if the pregnancy is the result of adultery; the natural father must bear all the consequences of his act. The husband is absolved from them and has no relations with his wife until the end of this particular pregnancy. The culprit must give him a pledge by which he publically recognizes his responsibility, and he is expected to fulfill all the duties of a husband. Therefore he may have relations with the woman during her entire pregnancy without paying additional indemnities. If any accident befalls the mother or the child, he is made to pay a large indemnity.

[583] Note finally that, as we have pointed out in Chapter II, Article III, no bride-price payment can be made from the time the pregnancy becomes visible until after the end of the period of seclusion.

843 844 757 To facilitate childbirth the previously mentioned concoction of various leaves mixed with kaolin (mpé) is continuously applied to the abdomen. Medical scarifications on the abdomen are also performed.

[278] Finally, as the time of delivery approaches, special douches made from a concoction of the bark of the bolinko tree (1) are

[1] Certain douches, especially the one made of bolinko, are also used as abortive agents.

administered. All these treatments are called bote bya bobota, that is, medicines (for the purpose) of an easy delivery.

Article III. Birth

844 1. Delivery

A woman remains with her husband for childbirth; she does not go home to her family. Only exceptionally does she give birth elsewhere -- for instance, if she has been sent home for one reason or another, or during a trip, while working in the fields, near a stream, or a spring, etc. Such sudden unexpected deliveries

844 are not too rare. (3)

2. Ease in delivery is called [illegible];
difficulty is called [illegible].

A husband asks his mother-in-law to come and help her daughter. Other kinswomen of the husband or the wife do not refuse [451] their services either. Among them there is always one who is more expert in these matters and who acts as a midwife ([illegible]).

The delivery takes place in the banana grove behind the hut; there is light and air there. In the house it would be more difficult.

The husband cannot be present at this event. His presence would make it difficult and painful. The farther away he is, the better. The prohibition is not rigid, however; if there is no one to help his wife (as in the case of an unexpected delivery in the forest, etc.), he will have no hesitation whatsoever in helping her with all the power and skill at his command.

[778] To facilitate the arrival of the child, the midwife gives the wife a potion to drink "in order to make slippery" ([illegible]), and administers a douche containing [illegible] bark.

755 If the pains continue for several days and all medication is without results, it is assumed that some evil spell ([illegible]) is at work. To neutralize it the woman in labor is "blessed" (-sela). For that purpose her family and that of her husband each bring a stalk of the [illegible] plant ([illegible]). Two kinswomen, each with the stalk of her respective clan, squeeze out the sap with which they smear the woman's abdomen. After that the delivery takes place in a normal fashion.

847 756 [illegible] The nkanga (doctor-magician) only intervenes when a woman has already had several miscarriages or when all her children die. If he is consulted he invariably attributes such misfortunes to the action of spirits of the deceased, who may be appeased by offerings and the promise that a manifestation of their will be heeded with respect to the naming of the child. Usually he adds that a few elementary prohibitions must be observed until the child is weaned.

alimentary prohibitions must be observed until the child is weaned.

[5] As soon as the child is born, the women present announce the happy event with shouts, and someone runs to inform (483) the father. The latter (or a kinsman) communicates the news by means of a lokolé. For a boy the message is: Basakó falafala, bokáta bóndáfókó likongé la ngowa, ayíma lokendo ndá likundú, etc., (1)

1. Elsewhere the term is ilakálaola.
Or: bosakó la mpóho bóókisola bale
foléfolé, "bowels and livers have come
down, are outside."

"The mats are spread; he who holds spear and shield has come from the journey in the womb." For a girl, bokáta ... ngowa is omitted and the words iakaaeka y'ôlâto, "sweet friendship of woman" are substituted. (2)

2. Other terms exist in certain tribes
(See Anthropos, Vol. 30, 1935,
p. 635 ff.)

The news is greeted with cries of joy in the whole village, and everyone runs to admire the child and congratulate the mother. They do not enter the house. No feast heightens the general rejoicing.

Then, if the child is a boy, the father or a man in his family places himself in front of the child, who is presented to him at the entrance to the hut or on the porch if there is one. He holds a spear and threatens as if he were about to attack the child, shouting: "Ha! ha! ha!," and gesticulating like a warrior. Then he takes the little hand and makes the child hold the spear, saying to him: "Be a strong man, make war bravely." (3) The

3. If later in life a boy lets himself be
frightened, he is asked, "Was that
ceremony not performed when you were
barely born?"

851 birth of a child involves a few prohibitions which affect the whole village and apply to the Batswá as well as the Baotó. They do not affect inhabitants of a portion of the village which is separated by a swamp from the group where the happy event has occurred. Those bound by the prohibitions may no longer go to "work" -- that is, to work in the fields, fetch food or firewood, build a hunting enclosure or a fishing weir, or work at the building or repair of a house. An infraction of this rule would result in the destruction of the fruit of all their labor: the fields would no longer produce, and no beast or fish would be caught. This deadly influence would [494] extend to all crops, etc., no matter whom they belong to. Nevertheless, there is nothing wrong in fetching firewood from the forest, harvesting manioc from a ripe field, or cutting the fruit of the palm.

Strictly speaking, these prohibitions touch only persons who have seen the newborn child. But since no one fails to go and admire it, all are subject to them. The prohibitions remain in effect until the umbilical cord is detached. [854] Some tribes, however, have the more convenient custom of limiting its duration to the day of the child's birth.

2. The hygiene of mother and child

[844] 846 The umbilical cord ([illegible]) is cut near the middle. An incision is made near the infant's navel. Each day a concoction of herbs is poured on the part of the cord that is still attached and white sand is put on it to make it dry more rapidly. When the end falls off, a powder made of scorched banana is applied to the wound.

In order to prevent the weakening of a woman's abdomen, it is bound with a belt made of bands of the dried bark of the banana tree ([illegible]).

The assistants wash the mother and child. On the mother they place dried leaves or bark of the banana tree which have been carefully crumpled. They are put on like panties to catch the blood and are replaced by new ones whenever necessary. Nowadays pieces of cloth are often used; they are put on like a man's garment.

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In order to facilitate the flowing out of all the blood, the mother is given hot baths. However, they are not begun before noon, for the Nkundó say that in the morning and evening it is too cool and the blood is not sufficiently fluid. Those who have been [177] in greater contact with the Whites give the mother beer or wine to drink. The hot baths are administered behind the hut in an en- [343] closure set up for the occasion. They are of two kinds: baths by sprinkling (*bompólo wà mbɔ̌omba*) and steam baths (*bompólo w'Elángé*). For the first method [485] very hot water is used, and by using a bunch of palms, the woman's abdomen, loins, and ribs are sprinkled. In the second method a pit is dug and large leaves (or a basin) containing boiling water are placed in it. Three or four strong, wide sticks are placed on top, and the woman is seated on them. She is wrapped in several mats to which, today, one or two blankets are added. She is left thus exposed to the action of the steam for several minutes. According to the natives, it is the ideal system because it makes all the blood come out, or almost all. Some people first give a sprinkle bath, and then follow it with a steam bath; others are satisfied with one or the other, depending on the circumstances. In any case more than one bath is never given in one day. This care may be given for one or two weeks, or it may stop after two or three days. The effect of "civilizing" is more inclined to the latter. But no Nkundó would want to omit the baths, for the woman's life is at stake.

After the bath the woman is carefully rubbed and dried, [302] and then anointed with oil mixed with red paint.

From time to time, usually every second day, she is given a douche.

846 As long as the mother remains weak, a large fire is maintained in her hut to keep her warm, and the doors are closed by means of palms. The husband and his relatives fetch the firewood. But the first log must be cut and brought by the husband who, to use the Nkundó expression, must "remove the violence" (*fonola lofosó*). In the beginning the woman lies down on a *bokoŋgo* right near the fire. She turns the front of her body toward it. The fire plays a great role in her quick recovery. She is very well cared

[846] for and fed so that she may regain her strength rapidly. [486]

3. Seclusion

After childbirth the mother remains secluded (-siama) in her hut for several weeks -- two, three, or more, depending on circumstances and especially on her husband's social position. Her seclusion is called jalé. The hut bears the same name, or else it is called jongo, "palm leaf." Sometimes the term ekila is also applied to it, denoting the period of seclusion with all the special regulations it involves. These are as follows:

[846] 1) Meals. In some tribes the woman may already eat on the day of the delivery. But among others she is only permitted to drink. The reason for this fast is given in the form of a legend. One day long ago a Batswa asked his master for a little medicine, but the master refused to give it to him. The master's wife had just given birth. Annoyed by the refusal, the Batswa cursed his master, saying: "From now on your women will have to fast the day they give birth." (1) Another explanation is that at sometime in the past someone refused food to a slave who was about to be sacrificed at a feast of the lifting of mourning. Tribes and villages that do not give any reason of this sort permit a woman to eat in the evening, if the delivery takes place in the morning.

[846] A mother's first meal is prepared by a woman who has performed the carnal act the preceding night. She goes to draw water, and on her return she fastens or attaches over the door of the seclusion hut a piece of palm (jongo) or, among the Bombwanja, a piece of dried banana leaf; in this way she informs everyone that it is a house of ekila. Then she prepares the food, which consists of [264] bananas with fish or a hen in palm-oil sauce. It is eaten by the mother and her husband as well as the cook. Their very young children may also delight in it, but [487] the older ones, approaching puberty, may not. The newborn child is given a tiny bit of the sauce to taste.

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1. Batswa women never fast under such circumstances.

846 [830] For a young unmarried mother, the meal is prepared by a girl who has not reached puberty or a woman who is quite old, that is, by someone who does not engage in sexual intercourse.

2) Various regulations. From the time of the preparation of the first meal until the end of the boloko, that is, until the day the umbilical cord becomes detached, the hearth of the seclusion hut is sacred, so to speak. Apart from the couple and the assistants, no one may enjoy it or profit from it, either to light anything from it or eat anything that has been prepared there. However, some men have a means of lifting the prohibition pertaining to the fire. Upon the hearth and all the hearths of the village or a group of houses, depending on the situation, they let fall a few drops of a special concoction.

It is also forbidden to sweep or pick up the ashes from the fire. Everything must stay put until the umbilical cord of the newborn child becomes detached.

During the entire period of seclusion, the mother is assisted by a kinswoman (or one of her husband's kinswomen; among the Bombwanja there are always two), who is the wojiza, "the one who makes the seclusion" (from the verb oja). The seclusion should not be thought of as that of a hermit; the mother may go out as soon as her condition permits, and the helper goes about her occupations, but she does not do so more than necessary. Rather the hut is a house of prohibitions.

During this period the mother and her helper do not do farm [834] work. In addition they must abstain from carnal relations and from all contacts with the opposite sex, in conformity with the customs explained in Article II, 3, above. The ekila extends to the husband and to any other person who enters the hut. Any infraction results in the death of the mother or the child in the same manner as in the case of the boloko (see loc. cit.) . [438]

3) The end of the boloko. When, at the end of four or five days, the umbilical cord becomes detached, the news is announced to the whole village, so that everyone may go back to their [831] work that has been suspended. The following night the father and mother perform the conjugal act to "destroy the boloko and

846 to be able to nurse the child together." This does not mean that [illegible] from then on they may have regular sexual relations, for these are not permitted until after the end of seclusion. But if they were to omit the act at this time, they would have to abstain from it until the child is weaned. The Nkundó say that the act is performed "only a little." For many it becomes masturbation; others withdraw before obtaining the effect of the act. In no case may the act reach its natural climax. The reason for this practice is unknown to me. Perhaps it is done in order not to molest the woman while she is in a painful condition.

846 The next day the ashes in the hearth of the seclusion hut are swept out, and the fire becomes "ordinary": anyone may use it and eat food prepared on it.

6) The umbilical cord is dried on the bolíkó (a tray or shelf) and then buried at the foot of a young banana tree planted for that purpose, preferably under a bonkonó tree if possible. The ashes and sweepings from the seclusion hut are thrown there. The banana tree is called nkindá. (1) Its fruit may be eaten only by the child's

[illegible] 1. This is a generic term used for any banana tree planted for a special purpose (a magical practice, a game, etc.).

[illegible] grandfather and grandmother. If another person eats it, he will be punished with a headache of a nervous type.

846 The umbilical cord is always buried in the father's native soil. People who are far from home (laborers for the Whites, etc.) [illegible] preserve the umbilical cords of their children with great care in order to take them back [480] when they return to their village, or send them back when a favorable opportunity arises. The Nkundó hold to this usage tenaciously, because a person whose umbilical cord is not buried in the lands of his paternal clan has no authority in the group. The person involved would meet with the following objection: tofíkotíndela lokolé, tofíkotundela lokólé, óyakímya ngómo? ekó nk'oyóya. "The lokolé was not beaten for you, your

[illegible] umbilical cord was not buried; how dare you boast? You are but a
[illegible] stranger." Therefore this custom constitutes a sort of matriculation into the family. If anyone wants to be entirely certain of a Nkundo's clan, he has only to look for the place where his umbilical cord was buried.

5) The end of seclusion is marked by a few ceremonies.

846 A. A meal. Early in the morning of the day set, the hus-
592 band goes and cuts a bunch of fruit of the palm tree, and the helper goes and picks manioc leaves (nowadays leaves and fruit collected the day before are sometimes used). The helper crushes all of this to make a dish of food. While she cooks it over the fire, she shaves a little hair off the mother, plucks out one eyebrow, and cuts one of her nails. Then she does the same to the child. The helper moves away, and the father comes in. His wife subjects him to the same treatment, and he reciprocates, doing the same to the child. The rubbish is simply thrown away without any ceremony. This practice has no special name; the Nkundo say: [illegible] [illegible], [illegible], "They shave each other's heads."

When the vegetables are ready, all the women of the vil-
[illegible] lage are gathered together. A little pit is dug in front of the hut. A large leaf is placed in it to serve as a dish, and the vegetables are poured into it. The mother, the helper, and all those assembled eat. Except for a few small boys no representatives of the stronger sex are present. When the meal is completed, [459] the leaf that served as a plate and those that served as spoons are buried in the pit. Today the more advanced of the population use a European plate and spoons. The meal and the vegetables eaten are called [illegible], "reunion," because the entire village is united in partaking of them, or [illegible], "dispersion," because it is the prelude to the end of the [illegible].

B. Then follows the ceremony of separation ([illegible] [illegible], or, among the [illegible], [illegible]. (1) The [illegible] is the mid-rib
[illegible]

1. The expression and the ceremony designated by it are used whenever an important matter, such as a trial, etc., is to be terminated.

846 of a dried banana leaf. Three knots are tied in it. The helper holds it in one hand and with the other cuts off the first knot, which she carries away with her. The mother keeps her end in her hand and presents the other to her husband. She receives the knife from the hands of the helper and cuts between the two knots so that each spouse carries away his end. Each time the parties involved say, "We have cut the bofoló; we are separating; go away." Having thus bid each other farewell, each fastens his end to the roof of the seclusion hut.

This ceremony ends the period of seclusion and puts an end
846 to the ekeló prohibitions. From then on the couple may have sexual
837 relations together, the helper can resume her usual life, and adultery on the part of the father can no longer harm the child or the mother. Note, however, that the child's immunity to the father's misconduct implies one condition; the father must not take it on his knees the day he commits adultery. By the following day the effects of his act have been nullified. A woman can discover her husband's infidelity through his refusal to take the child. Often she makes use of this means to obtain a confirmation of her suspicions. Some men abstain from all misconduct solely to guard against any such possibility. Adultery may have a harmful influence on the child even after it is weaned if it has a weak constitution. [491] All this seems to indicate that the reaction is considered to be physical and direct rather than a sanction based on religion or superstition.

846 Nkundó therapeutics include an antidote, however; it is
757 called bondandota (from ndota "an illness caused by the infraction of prohibitions of a sexual nature"). It consists of a potion made
[278] from the sap of an aroid bearing the same name, which is mixed with the sap of the likólikaló plant. If for some reason or other the couple have been away from each other for a fairly long time, they sit or stand face to face and take the child on their knees, which touch each other, and each one makes the child drink the potion twice, once from each hand, making sure to turn its face toward him [or her]. Usually the couple also drink some of the brew, though it is intended primarily for the child. Without these precautions the relations between the pair and the father's

846 taking the child would cause the child's death. The same precau-
857 tion is also in order if the husband goes on a trip before the child's birth and does not return till after the delivery.

We have just seen that the harmful effects of the father's
846 misconduct on his child's life is effectuated through the father's
853 act of taking the child on his knees. Thus the Nkundó speak of
bafεngá b'âsé, "a father's bad knees," to indicate his reprehensible
[866] conduct, and they say that the *bondandota* potion is administered to the child so that it will not die because of the father's bad knees. (1)

1. The expression *bafεngá b'âsé* is also used when an undertaking which requires continence is unsuccessful. (See Article II, 3).

When a child has painful and persistent diarrhea, it is often
757 interpreted as the effect of the father's infidelity. As soon as they
854 become aware of it, the couple separate for some time, and the father no longer touches the child. [481]

Contrary to what one reads on this subject about other peo-
837 ples of the Congo, Nkundó couples do not have to remain continent
836 beyond the period of seclusion. The separation ceremony gives the
843 husband back the freedom of action he had before his wife's pregnancy. For the wife the *bolaka* remains strict with respect to illicit relations until the child is weaned. However she, too, may regain her freedom by having recourse to an antidote, the ingredients of which she purchases from a person who holds the secret. The ingredients are placed in a small antelope horn which is then stopped
[137] up by means of *bolakó* (resin from the *Symphonia globulifera*). The interested party wears it about her loins on a string or a bead belt or, preferably, on a special creeper. This amulet protects the child's life from the harmful influence of the mother's acts of adultery, but it does so only on condition that she does not separate herself from the child, as we will explain farther on. This procedure

857 is not morally condoned, and a woman who resorts to it does not
854 escape criticism. She is compared to a goat, who does not have
162 a regular and steady husband: ilóngya bóna lontaa, "she nurses her child as a goat does." (1)

1. The opposite of ilonya lontaa, -- if it is used to show the contrast -- is ilonya lonkonkó.

When the separation ceremony is ended, the mother is
846 adorned with all her ornaments and goes out to walk in a procession through the village. The child is carried by an older sister, a niece, etc. He is taken around the village, bôsongya bóna l'etáká. Small presents are offered him everywhere -- an arrow, a small knife, a hairpin, etc. There is no feast, however; if that honor were accorded him he would die of it (for when someone dies, there is always a feast of farewell in his honor). [462]

Article IV. Nursing

853 During the first few days after birth an infant does not suck the milk of its mother, since it is "too hot." He is fed by a third person, preferably a relative.

On the third day the following occurs:

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857 1) The mother's breasts are massaged (-kakola baéle). For this purpose the Nkundó use leaves of the bóy creeper and the bilongyó plant (Adenostemma viscosum Forst.), a green leaf from a banana tree called mpilonga, several pieces of peeled sugar cane, the tips of the dried leaves of any banana tree, and sometimes other plants are added as well. All the ingredients are crushed, then boiled, and white sand and a bit of red paint are mixed in with them. The mixture is called nsenge. It is prepared by the women who are in charge of massaging the breasts. The bóy leaves, however, must be picked by the father. He goes to the forest early in the morning and first shakes the creeper so that all leaves that are not firmly attached will fall off. Then he climbs it and picks the desired

[illegible] quantity of leaves, which he puts in his little basket called *[illegible]*.
[illegible] If a leaf falls in the course of this operation, he must stop and throw away all that he has picked up to that point. The massage cannot take place on that day for it would cause the child to die falling and withering like a leaf. The father must start all over again the next day.

There are always two masseuses: one of the husband's kinswoman and one of the wife's. (1) They crush the leaves in

1. The *[illegible]* sometimes permit a man to perform the massage.

[illegible] the same single mortar (*[illegible]*). The mother meanwhile must make her public confession, of which we will speak again in a moment. When the substances intended for rubbing have been prepared, the two masseuses begin their operation, which must be quite painful. The husband's relative takes care of the right breast, the wife's concentrates on [496] the left. (1)

1. This is a natural arrangement for our people; the term used to indicate "husband" (*[illegible]*) is undoubtedly etymologically related to the one denoting "the right" (*[illegible]*), and there is some likelihood that the same is true for *wālī* (wife) and *[illegible]* (left).

They energetically massage the breasts from the top to the bottom with the mixture. After a few minutes they test the milk by letting a few drops run out onto a burning fragment of pottery. If the reaction is normal the mother begins to nurse. If on the other hand, the milk curdles and solidifies (*[illegible]*) like rubber, it is a sign that it is of bad quality because of the presence of an internal boil in the breast, called *[illegible]*. In that case the knowledge and skill of a woman expert is called upon. The latter rubs the leaves of a creeper between her hands in order to extract

853 the sap, which she then mixes with water. The resulting liquid is
757 oily and foams like soap. She places a few drops on a piece of banana leaf and makes a sachet of it. She holds this against the breast for a certain time until the boil, similar to a blood clot or a piece of liver, leaves the breast and enters the sachet. She then shows it to those present. From then on the mother can nurse her child without fear; her milk has become healthy and normal.

2) The mother's public confession must include the names
857 of all the men with whom she has had carnal relations since the
853 child's conception. Other groups, such as the Injálá, extend this
684 obligation even to instances preceding that moment but which
783 have not been declared at a previous occasion. The confession is public. The mamama related to the husband begins to crush the leaves to be used in rubbing the breast; as she moves the pestle and says to the mother, "Name a man." The mother replies by giving a name. The mamama says nyongo, "indemnity." Then all those present say yengé, yengé, yengé, "absolved." Then it is the other mamama's turn, and she interrogates the mother in the same way. The process continues till all the names have been cited. If [486] the mother cites the name of a man who is a close relative of her husband and who therefore does not need to pay an indemnity, the mamama does not reply nyongo. Instead a member of the husband's clan makes the gesture signifying
[20] exemption: he holds the kernel of a palm nut (bolikò) in his left hand and throws it by means of a small board which he holds in his right. Among the Injálá the man takes two kernels and strikes them against each other and then throws them away. Were the woman to suppress a name the child would die. If she has no admission to make, she replies, "No one besides my husband."

The indemnity that must be paid by those who are obligated to do so consists of a hen and a bunch of bananas (or their cash value) which are to be given to the mamamas, who will then divide them. Were the accused to refuse, the husband would demand a regular indemnity from him after the end of the seclusion.

The Bombwanja have this confession at the time of the
[194] fastening of the fetus. A few old women married into the clan carry out the interrogation. The kernel of the fruit of the palm is thrown by means of a knife.

857 763 853 Note, finally, that the confession is restricted to married women. It is never expected of a young unmarried mother. Therefore it would seem to be a practice connected with marriage (a social institution) and not with childbirth (a physiological phenomenon).

[182] This confession is called *etato* or *lotato*, from the verb *-tata*, "to confess," (for which the generic term, *sanga*, "to say," is sometimes substituted).

I was unable to find any reason for this practice other than that of avoiding the death of the child. It is evident, however, that this explanation does not exhaust the question, although it is entirely possible that the original and deeper meaning has been lost without leaving any trace in the minds of the present generation. (446)

853 833 3) During the entire duration of nursing, the mother must not be *separated from her child*. For the usual circumstances of daily life, this rule is broadly interpreted; but during sexual relations it is strict, and no exceptions or excuses are permitted. Negligence under these circumstances would inevitably bring about the death of the child by *edota* as soon as the mother took it back. This rule holds for legitimate relations as much as for illicit ones. Therefore the mother must always keep her child at her breast.

853 [757] [278] 4) If at some point during nursing, the milk no longer flows in sufficient quantity, the mother is given a potion consisting of the extract of the bark of the *[illegible]* tree (which has a fruit containing a very sweet milky sap). Then she eats vegetables called *[illegible]*. (1)

1. The leaves of this plant are also ordinarily eaten as vegetables, but they are consumed especially by those who possess the modern magical practice known as *[illegible]*.

[262] 5) An *accident* to which the Nkundó attach great importance is the rejection or vomiting of milk into the mouth of an adult, even if the person affected is the infant's mother. Such a person

853 may not eat meat if the child is male, or fish if it is female, un-
262 til the child in question is grown and kills either an animal (or bird) or a fish, according to the case, and has given it to the victim of the accident. If the child dies young, the person is accused of having violated the prohibition and is obliged to pay a large indemnity. This extremity is not usually reached, however, for the one to whom the accident has befallen scrupulously keeps away from everything that might cause this sort of murder. Then, if death occurs and he has nothing with which to reproach himself, he can resort to an ordeal or to the verdict of a test based on superstition. In addition in villages that have Batwa, a woman of that
[263] race must nurse the child for an instant after the accident before its mother gives it her breast again. [407]

6) The child is carried on the shoulder, and as soon as it is
854 capable of holding on, on the hip. It does not take many weeks for it to become accustomed to that position. When the mother has to hold it for a long period of time (during a march, on a trip, etc.), she puts it in a scarf-shoulder strap ([illegible]), made from creepers that are scraped and woven as for a mat, or from a cloth of raffia fibers, or even from a pelt (nowadays it is often made from a piece of European cloth). The scarf must be sturdy, for were it to tear and the infant fall, far-reaching consequences would result; all of that woman's subsequent children would be condemned to die in the mother's womb or during the period of nursing.

As the child grows it is sometimes carried astride the mother's back, either because she does not like to be separated from it, or because the tyranny of the little one forces her to keep it with her even during her work, errands, and even dances. She remedies this awkward situation if possible by resorting to the assistance of an older girl, a young niece or cousin, or a little boy from among the immediate kin.

When the child rests during the day, it is laid on an ordinary bed or on a movable bed ([illegible]), without any special arrangements. It has no difficulty sleeping soundly on such hard couches.

7) Weaning. Although a child is gradually accustomed
862 to solid food, it does not stop nursing. As it grows older, the nursing times are spaced farther and farther apart. But the child

853 does not really stop nursing till it is about two years old, and sometimes two and a half if it has a weak constitution.

Weaning is not accompanied by any ceremony or feast. In order to break the child's habit, the mother smears her nipples [514] with the sap of the [illegible] fruit (a kind of small sweet pimento or eggplant) or with a pimento-pepper extract ([illegible]). Sometimes she leaves the child with some relative (daughter, sister, etc.) for a time [430] while she lives elsewhere.

As we have seen above, after weaning, the child-[illegible] period comes to an end for the mother, and her infidelities no longer have repercussions on the life of her child.

[853] 8) If the mother dies while the infant is still being nursed, [562] the task of nursing is turned over to some woman who is disposed to undertake it even a Batswa, and there always is one. After the child is weaned the woman is suitably recompensed. The use of [516] goat's milk is unknown.

854/751 9) Young children frequently suffer convulsions. This illness is thought to be caused by hawks, and for that reason it is called [863] [illegible] (bird). The Nkundó try to prevent it by hanging an amulet around children's necks; it is usually the clavicular triangle of a hen's carcass. In addition they know a remedy whose purpose is to strengthen the nerves: the child is laid on a mat stretched out anywhere on the roof of the hut. An eyewash ([illegible]) is prepared from the sap of leaves from the [illegible] bush and extract of [illegible] (fruit of the [illegible]). Using a leaf shaped into a horn, a few drops are put into the child's eyes. Then the father or some other relative pulls out the mat from under the child and lifts it several times, shouting: [illegible].

856 10) No special importance is attached to teething. But a child whose upper teeth come in before the lower ones (a defect called [illegible]) is considered abnormal. Therefore he is forbidden to eat the first fruits of hunting or fishing in an enclosure ([illegible]), lest the latter lose their productivity.

Article V. Name Giving

553 Naming does not occur on any predetermined date. It is not delayed without a special reason. No feast or ceremony accompanies the event. The father simply puts colored powder on the child's forehead as a sign of joy.

It is the father's right to choose a name for his child. Sometimes he asks for the family's opinion. Preferably he gives names of his relatives, deceased or living, or sometimes his own. But it is proper to respect the mother's feelings also. Failure to take them into account could provoke the woman to cause an abortion in order to punish him for being so willful as to neglect her family.

[illegible] [illegible] A painful childbirth, like the repeated death of preceding children, is often attributed to the rancor of a dead person who is discontented. In such a situation the Nkundó await the verdict [illegible] of a dream, or they have recourse to the judgment of a nkanga (doctor-magician) in order to be able to satisfy the irascible dead.

553 851 If the situation recurs too often, the calamity is attributed to a rivalry between dead persons who are fighting over which of their respective names should be given to the newborn; the envious loser kills the child. In order to avoid such mean vengeance and make everyone content while satisfying none, the father gives the child a neutral name or a Batswa name, such as Bɔtɔwɛ́, Sáka, Ɛ̂tâlima (nameless), Botsilɛ́ (lack of success, bad luck), Litɛ́li (dead without known cause), etc. If the child has already received a name, but for one reason or another the inauspicious fury of a ghost is feared, it is always possible to change from that name to another.

Children are usually given the names of relatives of the same sex. Exceptions are sometimes made, however, if one of the sexes is not sufficiently represented among the progeny, in which case the bearer of the name can always change it later, and he almost always does. Nevertheless, there are [500] no specifically male or female names, except for those that consist of the relative form of a verb, such as Ôkɛ́nka, "the coquette," Ôyɛ̂mengo, "she who comes with plenty," Ôtɛ́nji, "she who excels." Finally, certain names are sometimes used for either sex.

551 The etymology of most names is impossible to trace, and they have no meaning. Some are borrowed from the nomenclature of the realms of nature or of things, but no attention is paid to their original meaning, and allusions to it -- sometimes attempted by certain Europeans -- are either not understood or badly received. Other names are dictated by the child's constitution, for example Ókunjoló, "who will be buried even today," or Báwáólóí, "one dies only later." (1) Names sometimes also commemorate a special event, such as a great mourning (Báwá, "they die"; Bálela, "people weep"), a rivalry (Báunela, "they fight for," meaning that two men are rivals for the possession of the mother of the child to whom the name is given). Finally, some names carry the meaning of a saying, such as Báwake, "all men must die," etc.

1. Both names are intended to prevent allusions to the child's debility and to express the equivalent of the saying: it is but a life of languor.

[572] In closing let us repeat that persons who bear the same name are often bound by a special friendship, give each other presents, and help each other. However, such a relationship does not entitle persons of different sexes to have intimate relations with each other, and if they do so such relations are treated as concubinage or simply adultery.

Article VI. Twins

845 Although for the Nkundó the birth of twins (baása, sing. jása), does not have the importance that other peoples attach to it [501], it does have some special features, the chief of which is the absence of the prohibitions and regulations that go with ordinary births. Twins are free from all common prohibitions; they are fulíngú. (1) Let is examine the details.

1. This is true even with respect to abstentions during mourning.

845 The event is announced by the usual signal, but the signal
[502] is doubled or, if the children are of different sexes, the signal for
each sex is given once. It is followed by the dance beat: two
[535] or three long and two short.

845 The next day the father's relatives go outside the village,
845 preferably to a crossroads. On each side they plant a stalk of
778 lokɔ́kɔ́lɔ́kɔ́. All around the stalk they spread a little heap of small
branches and various leaves called jíkɔ́. It is a sign and a place of
benediction and good fortune. Each passer-by stops, picks two
leaves, places one on each pile, spits on it, and says twá.(2) Then
they clap hands and twice sing out, yelí yeye. Such behavior
brings the benediction of the twins upon a person's journey, his
undertakings, his marriage. The umbilical cord as well as the
placenta and membrane are buried under the heap.

845 Every morning the mother and father draw two stripes with
382 kaolin on the middle of their foreheads and on their arms, above
[586] and below the elbow. They do the same to the twins. (3) They
continue doing so until the child is weaned. If after that time one
of the children falls ill, they begin again treating him in this
manner until he is cured, taking care not to omit his brother, lest
he too fall ill. For while these designs are signs of joy, they are
[751] above all a prophylactic measure against children's fever (ikɔ́tswáki),
[502] called wɔ̂saanyi when it occurs in twins or in a child following them, and manifests itself chiefly by tumors of the head and face.

845 Twins are invariably called Mbóyó and Bokɛ́tu, names
551 given to the first born and the second respectively, whatever their
sex. The Bombwanja (like the Ekonda) use the names Mbóó and
Mpia, respectively. The mother takes the name of Ǎmbɔ́.

2. Onomatopoeia for "spit."

3. Sometimes a double stripe is added
at the temples The kaolin may be
used pure or mixed with the red paint
called ngóla.

845 However, these names are not used exclusively by such persons;
551 they may be given to others as well. The father, on the other hand,
does not receive a new name; but he bears the title is'éy'áfé,
which literally means "father of two." (1) Twins are also said to
be Åmbâmba (pl. Byåmbâmba) from the verb -âmba, "to accept,
to receive," because they are permitted to accept and to take
everything, since none of the usual prohibitions apply to them.

The mother of twins is not required to go into seclusion
845 (nyang'éy'áfas fifófo wafkuló). The shed belonging to the head
343 of the clan, that is, the one in whose home important animals
(leopards, etc.) are dismembered, is set up for her. (2) The shed
is closed by means of palms. Neither the parents, nor the helper, nor the persons who enter this place are required to observe continence or the other prohibitions involved in ekelé.

All the members of the kin group come to greet the twins
845 and give each one a present (hens, knives, arrows, food), which
is received by the father or the mother. Whenever anything is given to one of the twins, even if it is the smallest object, the same must be given to the other; otherwise the latter would die. If the mother takes one in her arms, the other one must also be picked up, either by her or by the father. If she strikes one, she must also strike his brother. This [503] duality therefore applies to everything, and with even greater reason to nursing.

If a twin child cries or is ill, the parents must sing and
[534] dance to the accompaniment of a lokolé and a ngomo drum, a
ceremony called -bénga bafsa. If someone invites a twin or his

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1. Among the Ekonda he is called Buka.

2. Therefore, at the bonanga place or the place of dismembering important animals (nyamá yá bikofo, literally "superb animals").

845 parents to the dance, they must go. When the mother passes a [778] crossroads or the dwelling place of a spirit or an *elemo* (a place where the Nkundó gather for magical practices, oracles, etc.), she also sings and dances in honor of the spirit, so that he will favor her children. Various songs are popular, such as: *Elimo'é'Ámbá* 845 533 *tongfiela yelí yeye*, "Spirit of Ámbá, do not weep; (1) *Bokéro le*

1. *Tongfiela* is an archaic form still in use among the Ekonda, etc.

Mbóyo'é'Ámbá nafíndaé tonyongéle, nafíndé bilingai yelí yeye, "Ámbá's Bokéro and Mbóyó, do not bruise yourself, do not stir, do not eat *bilingai* mushrooms"; *Bokéro 'a Mbóyó ngíúmola ngóy' gongongo yelí yeye*, "Bokéro and Mbóyó, I surround my mother with abundance"; *Bokéro'a Mbóyó li'gbona li'gbonda yelí yeye*, "I shall fall ill, and yet I will walk (be well)"; *Bokéro'a Mbóyó, laina bolenbosenso yelí yeye*, "difficult childbirth," etc.

845 262 Foods forbidden to twins are the mushrooms called *bilingai* (or *bilingyanda* or *bambákaádina*), the *mpambí* antelope, and the *lúí* yam, which is also forbidden to parents whose child is not yet weaned. (2)

2. This prohibition extends to all food cooked in pots in which such forbidden foods have been prepared. The extension is characteristic of all alimentary prohibitions.

845 484 When traveling, the parents of twins gird themselves with the creeping plant called *boyayenge*, or wear it like a strap over the shoulder The mother also attaches a bell to it. Their hair is often [301] adorned with two feathers from the tail of a gray parrot (*nkoso*) and two feathers from a white hen. [504]

845 576 The greeting to parents of twins and their reply must always be double: *w'ĕnd w'ĕnd*, the reply *om'ĕnd om'ĕnd*; *ofyá, ofyá*, the reply *bóka bóka*. Note that the last greeting is not replied to differently

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845 from the others. They thus rank with the great notables of the past. [500]

845 When the children grow up and become self-sufficient, all the special regulations lose their force and they become like
591 everybody else. Nothing distinguishes them from the rest in marriage, death, etc. No preference is shown for or against them. But their descendants will again produce twins.

Thus the Nkundó consider twins as extraordinary children,
845 but they do not carry this view to extremes. They are pleased to receive two children at a time, although they believe that under such circumstances the pregnancy and delivery are more dangerous for the mother. That is why she is called [illegible] since, despite the seriousness of the situation, she did not die. This epithet is also applied to the father and to the twins, probably for the same reason as well as because of their immunity with respect to prohibitions. If the twins are of different sexes, however, the mother is not as likely to be called [illegible], since she is [illegible], "harmful." (1)

1. See above, Article II, 3.

845 It is apparent from the above description that twins are
789 considered to be somewhat tainted with magic. The existence of
754 this belief is confirmed by the prohibition against throwing anything (stone, palm kernel, etc.) onto their hut, the same prohibition applying to anyone who possesses a charm or practices sorcery or protective magic. In addition they possess a certain innate ability to cast a spell over the activities (hunting, fishing) of others. That is why persons who are afraid of being harmed by them smear themselves with kaolin in the same way as do such children and their parents. [501]

The Nkundó have had cases of triplets, but they are ex-
845 tremely rare. The youngest of the three is called *Yĕndombe*, or *Yĕndende*, or *Yĕlele*. The only special practice with reference to the youngest one is that he can never be ordered to do any work, be sent to carry a message, run any errand, etc., [illegible].

845 In other respects he is not differentiated from the other two. Greetings are not tripled in the case of triplets.

A child born directly after twins is called Wotaji (from otaja, "to repeat"). He is in no way different from other children.

Article VII. Circumcision

Circumcision is generally practiced. It does not have to 304 be performed at any particular age. It is usually done during childhood before the tenth year. The more timorous put it off until puberty or even later. Special customs of individual clans sometimes set a time. Thus, a man of the village of Bosombó is not allowed to be circumcised until he has killed an animal at the hunt. On the other hand, the season during which circimcisions are performed is specified: they must take place during the period when the water level is low.

The operation may be performed by any man who is expert at it. It is carried out behind the hut. No one, but the boys being operated on and their fathers are present. The boys stand in a group somewhat apart from the proceedings but place themselves so that with their eyes they can follow the treatment to which their companion is being subjected. The patient squats. One of the elderly assistants places his hands over the boy's eyes so that he cannot see what is happening. The person performing the operation has already dug a small pit to catch the blood. He pulls the foreskin, ties it with a string, and then uses ashes to trace the line which must be followed by the empóng knife that is used on such occasions. When the blood has stopped flowing, he chews some bondóngó [824] pepper (Aframomum . . .) or, preferably, [506] a caudal fin of [825] the ngolo fish and then spits it onto the wound. The resulting sensation is very painful. But the patient shows that he is brave; for if he cries he is mocked by his companions.

As long as the wound is not healed, the boy must not use [262] manioc leaves (bangfoja) or manioc bread in the preparation of bosombó or loóto. Nor may he eat the skin, head, or tail of fish.

While the wound is healing, the boy who has been circumcised is cared for, washed, etc., by his mother or, if he has reached

845 puberty, by his father. The performance of this rule entails continence (bekila) for the person who undertakes it, even with respect to the spouse. A violation of this rule prevents healing of the wound or at least makes the process very long and difficult. (1)

[755] 1. A similar bekila applies to anyone nursing a large gangrenous ulcer (wólé).

The foreskin that has been cut off is dried on the bolíkó (tray or shelf). Then no one bothers with it any longer, and it usually remains there, dusty and dirty, for an indefinite period of time if the rats leave it alone.

In the centers the young people are beginning to neglect
[177] the native skilled in circumcising and resort instead to European surgeons.

Circumcision is not an occasion for feasts or ceremonies.
[56] Sometimes a man who is rich and vain will give a feast, but this is not at all a common practice.

The term "to circumcise" is translated in Lonkundo as téna bongó, "to cut off the foreskin." The less vulgar term and one used much more frequently is téna nsóngó, "to cut off the tip." A much too decent circumlocution is téna batói, "to cut off the ears."

The reason for this custom has already been given in Chapter I, Part II, Article II, 2.

Article VIII. Education

From an early age a Nkundó child must perform various
861 small services for his parents, especially in the household; he is
857 asked to draw water, fetch firewood, take care of a little brother or sister, etc. The demands for such services are addressed chiefly to girls, but boys are not at all exempt. By the very nature of things, however, the latter are less frequently asked to help.

Quite early a boy may accompany his father on trips, at meetings, legal debates, etc. The father makes a bow and arrows for him and teaches him the art of using them. The great pastime

857 for young boys is hunting and fishing by all sorts of methods suitable
864 for their age. Little by little an adolescent learns the usual tasks and everything that he needs to know in order to survive and obtain food and shelter. His instruction is completed by his companions and above all by the exigencies of life.

A girl learns housework and farming. Very early her mother braids a small basket for her in order to accustom her to carrying loads. She also participates in the women's fishing.

In general one has the impression that the girls are far more active than the boys. But I think that this difference is due to the fact that the boys are almost always in the forest, while the girls remain in the village and are therefore noticed more. As a matter of fact in our missions it cannot be said that the boys work less well than the girls, quite the contrary.

The girls practice the culinary art, not only with their mothers but also -- as in Belgium -- in a game ([illegible]).

The children do not study the history, laws, and traditions
867 of their clan or tribe. They learn them in the [308] course of
869 events, either by hearing them described or by asking questions. Often their parents explain such matters on their own initiative, not according to a definite program but rather when opportunities arise. A young man can learn many things especially by accompanying his father on visits, on trips, at meetings and deliberations, or by listening attentively to the performances of troubadours who play the longombé (mandolin). The astonishing knowledge of usages and customs, ancestral laws, history, the wisdom of the ancients, proverbs, fables, etc., possessed by some youngsters, to the point of excelling their elders, can be explained by their faithfulness in following papa instead of continuously enjoying the freedom of the forest. I have encountered more than one instance of this sort which was explained primarily on the basis of the boy's attachment to his father.

The Nkundó child begins to hum popular tunes and imitate
[illegible] the rhythmic movements of the dancers when he is barely able to walk. Little girls, especially, practice special dances of their own. Then, little by little, the children mix with the group of adult dancers and are able to join the chorus, though they must remain in the rear.

868 Parents teach their children the trades that they themselves know: forging, wood sculpture, the weaving of mats and baskets, pottery making, etc.

867 With respect to ethics, the children learn a great deal from experience, but parents do not fail to teach them rules of politeness, decorum, good breeding, and the great principles of social relations. As in Europe, however, there are degrees of concern or indifference in this realm. The moral code taught is the one the parents themselves practice. It is centered above all on family and society: respect toward members of the family, mutual assistance, respect for the welfare of others, fear of the opposite sex, etc. But all of it has a naturalistic basis: the reason given for adherence to such precepts is limited to the unpleasant consequences [303] that would otherwise result. Reprimands and even corporal punishments for infractions are not unknown. But they are chiefly due to exasperation and therefore mixed with anger and without any continuity or consistent idea. Once the anger has passed the threats remain sterile. For punishment the parents [861] resort chiefly to blows, but other penalties are also common. For instance, one of our catechists when he was young (between 1880 and 1890) had removed a little bird trapped in a snare belonging to one of his cousins. As soon as his father heard what he had done, he gave the youngster a good scolding and made him go to bed without supper.

As a girl approaches puberty, her mother teaches her the rights and duties of a married woman. She teaches her how to behave and conduct herself in order to be a good wife and mother. She does this so that her daughter may find a good husband, and so that the union may be stable and not produce too many palavers or trouble.

Formerly, children were not allowed to see the dances of adults. They were chased away and had to amuse each other. This was an excellent means for preserving morality among the youth and retaining their respect for their elders. Therefore it is most regrettable that it has been abandoned.

857 When the children reach puberty, they no longer like to sleep in their parent's home. The parents do not send them away, but on the other hand, they do not oppose this desire on the part of young people which, they say, springs from a feeling of modesty. The boys go one way, the girls another; for example, they may appropriate an unoccupied hut belonging to their father or go to close relatives, or they may try and find a place in quarters occupied by a group of boys or girls. If no house is available, the boys band together to build a hut which they share. Nowadays they begin very early [330] to build individual huts or one for two, in order to thus enjoy a greater freedom.

864 On the trees in the forest one finds a kind of hard mushroom called bosihinola. When a child begins to speak, the mushroom is placed between his teeth, so that he will bite into it and thus learn not to express himself thoughtlessly but to hold back his words (-sihinola) and think before speaking.

One can often observe parents and other persons actively helping children to express themselves correctly, especially in correcting mistakes, pronunciation, and errors with regard to proper nouns, by giving them the proper words and even explaining grammatical forms and subtle distinctions between certain terms. "This is how it must be said; that means something else. This plant is called thus and so, etc."

861 Therefore, although a Nkundó child is very free to spend his days as he pleases and, perforce, learns many things through personal experience, it would be wrong to say that his parents are not interested in his education and do not contribute to it. They participate actively by their advice, their explanations, and their demonstrations. Needless to say, their role is neither as important nor as continuous as in many civilized societies. Besides it is very difficult, and often unfair, to compare our people's situation with that of Europeans; the difference in circumstances is too great. But we must point out in all fairness that the Nkundó do make efforts in this realm, although the results are hardly apparent with respect to moral education (1), because there are many flaws, gaps,

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1. We will say no more about material and economic education, which can not be criticized.

6. errors, and obstacles, the most important of which should be considered. [511]

1) First of all education begins too late. To be crowned with success such efforts should be begun as early as possible. And among the Nkundó, a child is not considered old enough to be given lessons or punished until he is fairly well developed (usually at about six years of age).

2) In their pedagogy the Nkundó do not take into account the relationship between cause and effect with respect to the acquisition of bad habits. They react against censurable actions, but they do not attack their roots by opposing the beginning of them. Thus, they do not understand that if the desires and whims of a small child, for example with respect to nursing, demands for food, the desire to be fondled and carried, etc., are continually satisfied, he will necessarily become an unruly little tyrant who wants to be satisfied in every way.

3) The Nkundó have no systematic idea or consistency in correcting faults and punishing misbehavior; as we have seen, punishment by Nkundó parents most frequently takes the form of sudden explosions of anger and indignation. The purpose of the punishment is not apparent to the child, and the only result obtained is a fear of being chastised. There may be fortunate exceptions, but these are surely extremely rare. Generally, parents follow the impulse of the moment, and the youngsters take advantage of these impulses. The gravity of such a situation stands out clearly in the following case history: Isia (now a man between thirty and forty) was amusing himself by shooting arrows. One of his father's wives, named Bokeli, appeared, accompanied by Bakutu, a young sister of Isia. The youngster reproved Bokeli: "What are you doing here with my sister? If she is hit by an arrow, the palaver will be yours." The woman insulted him. The boy threatened to shoot at her. Thereupon his father, Bolékélé, intervened, saying, "If you dare touch my wife, I [512] will kill one of your mothers." (1) Isia's retort was to shoot at Bokeli saying,

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1. That is, either his mother (Botafnanya) or her sister and ebfsa, Basfmi.

[illegible] "Well, then, let them both die." (2) His father wanted to catch

> 2. That is, if my mother is to die, you, Bokeli, will die also (a common retort in such cases).

him, but the agile youngster fled to the forest. As he did not return home that evening, everyone became frightened. Finally, he answered the call of his aunt Bongilia and came back. The moral of the story: everyone was happy to see him again, and there was no more question of punishment. (3)

> 3. According to the Nkundó jurisprudence, the wrong was actually on Bokeli's side because she started the insults. But the reaction was excessive, nevertheless.

An even stronger example is that of Esald (now between forty and fifty), who was insulted by his mother Bosela for some misdeed. He shot at her and wounded her on the forehead. To flee his father's anger he withdrew to the forest. He was called and came back. That ended the palaver. (4)

> 4. As a matter of fact, a Nkundó fable teaches that a person should not be left under the sway of rage, especially if he has withdrawn to the forest, because he may become a misanthrope as a result, producing even more deplorable consequences (vagrancy, murders, etc.).

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4) There is a lack of cooperation between the spouses. Each one acts on his own initiative and out of his own indignation. More than that they contradict each other; one will punish the child, and the other tries to protect it, either directly or indirectly, by reprimanding the spouse.

597 861 Women in particular are very intolerant of having anyone touch their children, even the child's own father. This fact can be attributed in part to a lack of any unity of feeling between the spouses and partly to maternal love, which is purely natural, psycho-physiological, so to speak.

Measures taken against a child who has misbehaved often
578 861 result in serious domestic quarrels, sometimes followed by the wife's flight to her family. Such was the case of Bokuta b'Ofingi (born around 1880). His father, Bokoji, had forbidden him to peel a piece of sugar cane [312] in a clumsy and wasteful manner. The boy did not want to listen to reason. Next thing you know he had cut a deep wound in his finger. "What did I tell you?" shouted the father. "Now you are punished for your disobedience." Thereupon the mother, Mbili, flew into a rage. "Oh! You are killing my child!" and so on. She rolled up her mats, took her baskets on her back, and took the path leading to her village.

Nkundó casuistry includes the case -- which seems hypothetical or at least belonging to the past, for I have never known or heard of a real instance -- of a man taking revenge on his wife for having insulted his child. His revenge took the form of ordering the child to go and kill a goat belonging to her mother's clan, thus obliging the child to pay an indemnity to the owner, so that the mother finds herself thus being punished by her family. The father's right to do this is recognized in Nkundó jurisprudence. But from the standpoint of education the solution is far from ideal.

8) The influence of the kin group also plays a great role.
602 861 The Nkundó are very much attached to their families. Their children are at home everywhere in the group. A wife has very close ties to her own family. The father's brothers and sisters are a child's "fathers"; his maternal aunts and uncles are his "mothers." A child's real father does not do much to defend his son against scolding or punishment from his own close kin but does not readily accept the intervention of his wife's family, and vice versa. And again the child can take advantage of such dissension. The situation occurs quite frequently although there are many exceptions.

6) The parent's opposition to reprimands by strangers is

861 even greater as a general rule. They try to cover up and justify

862 the faults of their progeny, whom they will fiercely defend. The children naturally know all this and take advantage of it.

7) The polygamous household, with all its rivalries among

593 co-wives, cannot but accentuate all such [314] adverse effects

594 on the children's education. The conflicts, spiteful comments,

861 palavers, etc., are easily extended to the children. And each wife defends her own.

8) Everything is public; there are no secrets; everything

591 is known, seen, and heard. People do not restrain themselves

861 and the presence of children does not stop the flow of insults and obscenities which anger provokes. The young people see many things it would be better for them not to know. They are present at domestic quarrels and are witnesses to dissensions. All this is increased by life outdoors, in the street, and by the thinness of partitions.

9) Another factor is added nowadays: the facility of com-

777 munications and the presence of European stations. Boys can al-

591 ways run away and find shelter with the Whites or their native em-

861 ployees. The girls seek out kinswomen who live at such stations, even though they must help a little with the housework, in the hope of later enjoying a greater freedom and living in luxury. Parental influence and authority are naturally weakened as a result.

10) Finally, Nkundó education lacks any solid basis, any

861 religion or religious morality. Everything is based on natural, physical fear: the fear of punishments (physical or based on superstition), harmful consequences of bad actions (palavers, difficulties, fines, indemnities, sometimes the shame of being caught -- as in theft). It is especially this lack of religious motivation that makes their moral education bear so little fruit. As the Nkundó are accustomed to this imperfect state, they do not feel the need for

000 such a foundation. That is why it is so difficult to instill any moral conscience into them. The patient and perservering action of the great Christian truths with their institutions for moral formation (uninterrupted preaching, confession, prayer) are needed to endow

(577) this people with a sense of duty, that individual conscience of which they are so imperatively in need. [513]

Article IX. Rights Over the Children

593* 861 Without repeating everything on this subject that is to be found at various points in this work, it is nevertheless appropriate to summarize here the various considerations and conclusions concerning the rights over children.

The great principle dominating the entire question is the Roman adage: Pater is est quem nuptiae demonstrant. The legitimate husband is the legal father of his wife's child. Without marriage the natural father has no rights.

841 591 593* Consequently, children conceived in adultery belong exclusively to the husband (Chapter VI, Article VIII). Since relations with a widow who is not yet legitimately remarried is adultery, a child born as a result of such relations is legally the heir's child, (Chapter III, Article II). The same rule, mutatis mutandis, applies to a divorcée before a regular remarriage (Chapter VIII, Article III, 1).

The child of an independent woman has no legal father. Consequently, it belongs to the mother's family and remains illegitimate ([illegible]; [illegible] is the name by which his grandfather calls him). (Chapter I, Part II, Article IV, 3.) But if the natural father marries the mother, he can obtain the child by paying an extra "slave" for it. In any case he must pay the complete bride price. If he does not marry the mother, he has no rights whatsoever over the child; however, this rule is in the process of changing in the northwest corner of the region under discussion (Chapter I, Part II, Article IV, 3).

This legitimation is not required if the pregnancy began after bride-price payments were begun. It can take place even after the mother's death by means of the above-mentioned payment. Such cases of posthumous legitimization sometimes occur in relation to children born of extra-customary [extracoutumière] unions contracted during the early period of colonization. [516]

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593 A father's rights over his child are not unassailable. He can lose them, especially if he neglects to fulfill certain duties because such conduct is equivalent to disowning. Among the duties whose neglect results in the loss of rights over the children are the following:

1) The completion of the bride price.

2) The fulfillment of funerary duties (burial, payments).

3) The relinquishment of a portion of the bride price to be restituted in case of divorce.

4) The performance of duties toward the child. Only instances of gross negligence, constituting real abandonment, enter into consideration here -- especially an illegitimate refusal to obtain the means for a son to get married. The case cited in Chapter II, Article XI, 3 and similar instances also fall into this category.

Conclusions

58 At the end of this work we shall sum up the conclusions it suggests to us:

1) Among the Nkundo marriage consists of a union between a man and a woman, constituted through the payment of certain valuables. This payment is made by the husband, through the intermediation of one or more official witnesses, to the wife's parents; it is counterbalanced by a payment of valuables on the part of the woman's family to the husband and his family.

2) There are various sorts of conjugal unions which differ somewhat from this standard form: the inheritance of a widow by a distant relative of the husband; the substitution -- during life or after death -- of a kinswoman who continues the union begun by a woman now deceased or divorced; [517] the offer of a wife in exchange for the performance of an important service; a certain kind of exchange and, in some tribes, purchase; and union with a slave.

3) Apart from the question of the Batswa, obstacles to marriage are due to kinship and affinity.

¶ 4) Married life is regulated by rules which are well defined and wise, but infractions are committed. Adultery is condemned and repressed, but the Nkundó concept of it is not the same as ours, and they accept certain exceptions.

5) Polygamy is highly regarded; the practice is governed by definite rules, and the first wife occupies a rank of precedence in the family and in society.

6) Divorce is permitted under fairly strict conditions, and the dissolution of marriage is regulated by suitable laws.

7) Legal stipulations which must be adhered to at the time of death demonstrate the precedence of marriage over blood ties and prove that a wife really belongs to her husband, although she remains a member of her own clan. Furthermore, the husband's death does not break the marriage for the widow.

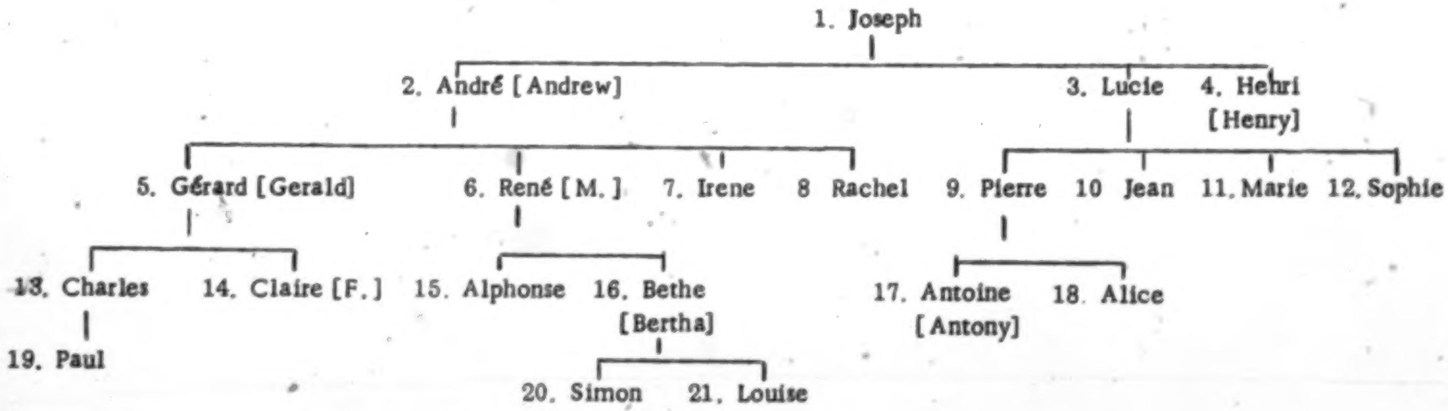
8) Children belong to the legal father.

On the whole, we can conclude that although the Nkundó's marriage institutions are not without defect from our point of view, they nevertheless appear well organized and in no way "savage." They give an impression of clarity and wisdom, adaptability and flexibility, unity and logic -- wonderful qualities which many European legal systems can envy and which demonstrate the remarkable organization the interesting Nkundó people have been able to attain. [518]

Appendix

Kinship Terminology. Genealogical Table

(N. B. To facilitate a clear indication of sexes, we are using European names [for the same purpose, English names are in brackets where they differ from the French.])


1. Joseph
2. André [Andrew]
3. Lucie
4. Henri [Henry]
5. Gérard [Gerald]
6. René [M.]
7. Irene
8 Rachel
9. Pierre
10 Jean
11. Marie
12. Sophie
13. Charles
14. Claire [F.]
15. Alphonse
16. Bethe [Bertha]
17. Antoine [Antony]
18. Alice
19. Paul
20. Simon
21. Louise

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Nkundu

601

1. For 1 – 13 and 14 are bonkánola, pl. bankánola.
For 13 and 14 – 1 is nkókoolo, pl. bankókoolo.
2. For 2, 3, and 4 – 13 and 14 are bonkána, pl. bankána.
For 13 and 14 – 2, 3, and 4 are nkóko (nyangó), pl. bankóko
(nyangó).
3. For 1 – 2, 3, and 4 are bǒna, pl. bǎna.
For 2, 3, and 4 –1 is isé, pl. baisé (relative to the first person,
fafá, pl. bafafá).
4. For 3 – 9, 10, etc., are bǒna, pl. bǎna.
For 9, 10, etc., – 3 is nyangó, pl. banyangó (relative to the
first person, ngóya, bangóya).
5. For 5 – 6 is bokúné, pl. bakúné.
For 7 – 8 is bokúné, pl. bakúné.
For 6 – 5 is botómóló, pl. batómóló (relative to the first person; mâlé, bomâlé).
For 8 – 7 is botómóló, pl. batómóló (relative to the first person; mâlé, bamâlé).
6. For 5 and 6 – 7 and 8 are nkâna, pl. bankâna.
For 7 and 8 – 5 and 6 are nkâna, pl. bankâna.
7. For 5, 6, 7, and 8 – 3 is isómoto, pl. baisómoto (for the first
person; faómoto, pl. bafaómoto).
For 3 – 5, 6, 7, and 8 are bónankáná, pl. banánkáná.
8. For 9, 10, 11 and 12 – 2 and 4 are nyangômpámé, pl.
banyangômpámé (or nyangóbika) (for the first person;
ngômpámé, bangôpámé).
For 2 and 4 – 9, 10, 11, and 12 are bǒnankáná, pl. bǎnankáná.
9. For 13 and 14 – 6 is isé (éy'ǒnolu).
For 6 – 13 and 14 are bǎna.
10. For 15 and 16 – 5 is isé (éâ mpaka).
For 5 – 15 and 16 are bǎna.
11. For 13, 14, 15, and 16 – 5, 6, 7, and 8.
12. For 14 – 20 and 21 are bǎna.
For 20 and 21 – 14 is nyangó.
13. For 13 – 20 and 21 are bǎnankáná.
For 20 and 21 – 13 is nyangômpámé.

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Nkundu

14. For 9, 10, 11, and 12 – 5, 6, 7, and 8 are bǎna.
For 5, 6, 7, and 8 – 9, 10, 11, and 12 are baisɛ́.
15. For 9, 10, etc. – 13, 14, 15, and 16 are bankána.
For 13, 14, 15, and 16 – 9, 10, 11, and 12 are bankɔ́kɔ.
16. For 5, 6, 7, and 8– 17 and 18 are brothers and sisters, and vice versa.
17. For 13, 14, 15, and 16 – 17 and 18 are baisɛ́.
For 17 and 18 – 13, 14, 15, and 16 are bâna.
18. For 19, 20, and 21 – 4 is nkɔ́kɔɔlɔ.
For 4 – 19, 20, and 21 are bankánola.
19. For 19 – 15 is isɛ́.
For 15 – 19 is bɔ̌na.
20. For 19 – 14 and 16 are baisómoto.
For 14 and 16 – 19 is bɔ̌na.
21. For 19 – 20 and 21 are baisómoto.
For 20 and 21 – 19 is bɔ̌na.

2: Hulstaert
101, 131, 563, 619

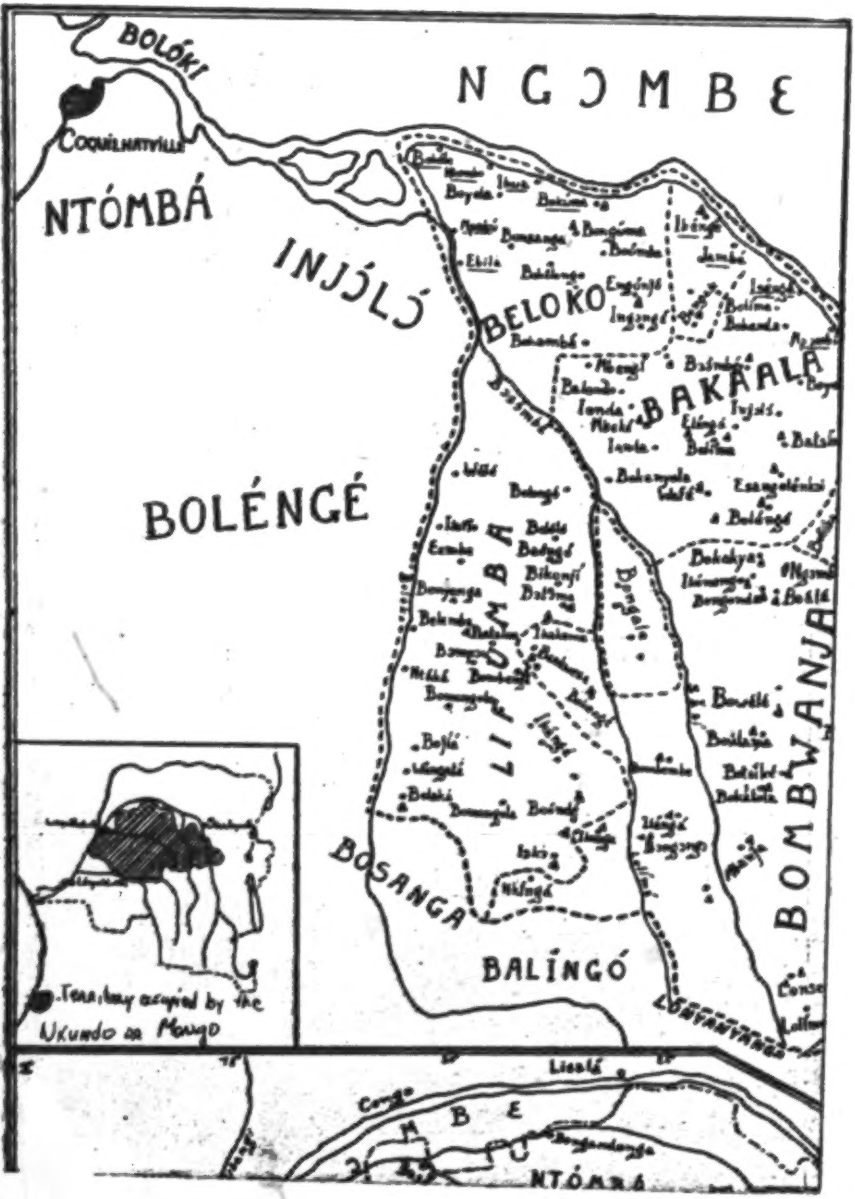
Mongo FO32

/The division of sections in the end map is as follows:/

A	B	C	D
E	F	G	H

2:Hulstaert M-5 (ca. 1930) 1938 FO32 Mongo FO32
Nkundu

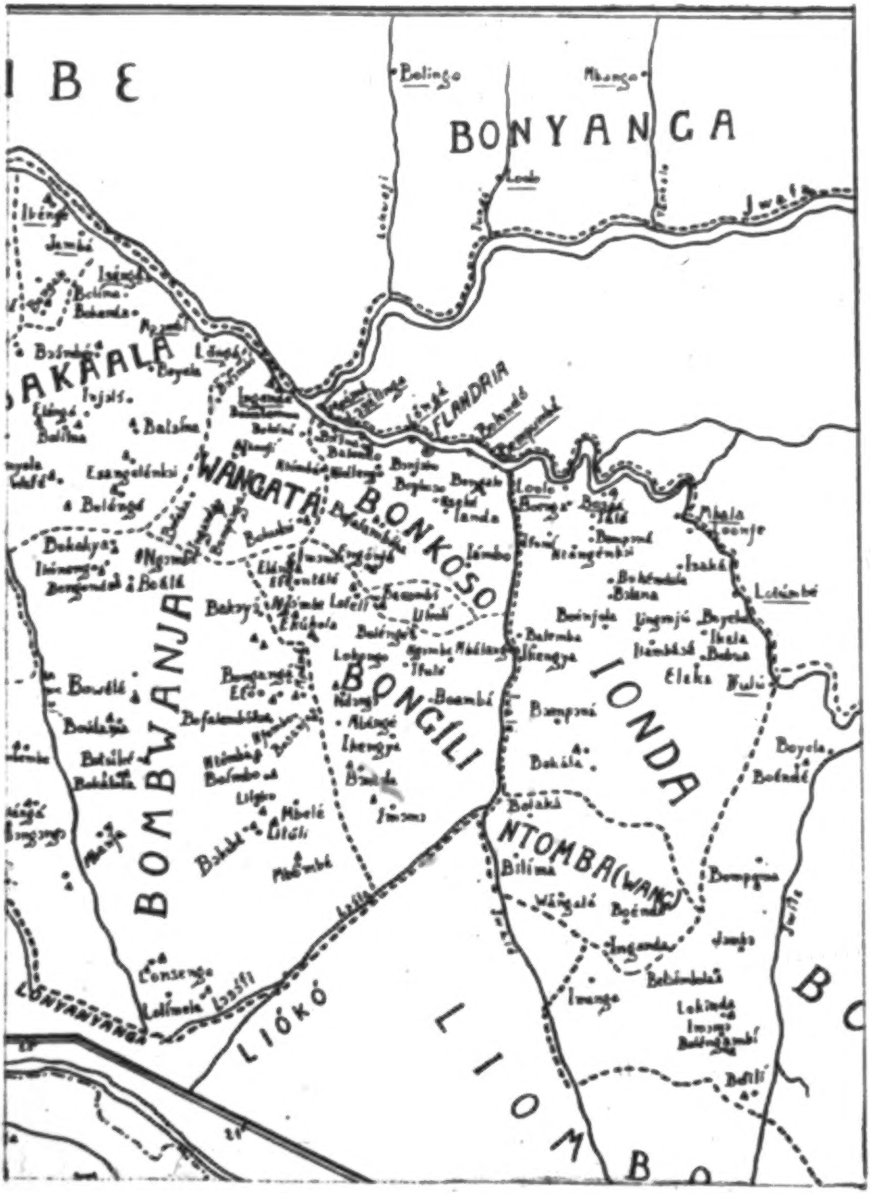
101
131
563
619


BOLÓKI
NGƆMBƐ
COQUILHATVILLE
NTÓMBÁ
INJƆ́LƆ́
BELOKO
BAKAALA
BOLÉNGÉ
LIƆMBA
BOSANGA
BALÍNGÓ
BOMBWANJA
LONYANYANGO
Congo
MBE
Lisalá
Bongandanga
NTÓMBA
Territory occupied by the Nkundo or Mongo

[End Map (A)]

2:Hulstaert M-5 (ca. 1930) 1938 FO32 Mongo FO32
Nkundu

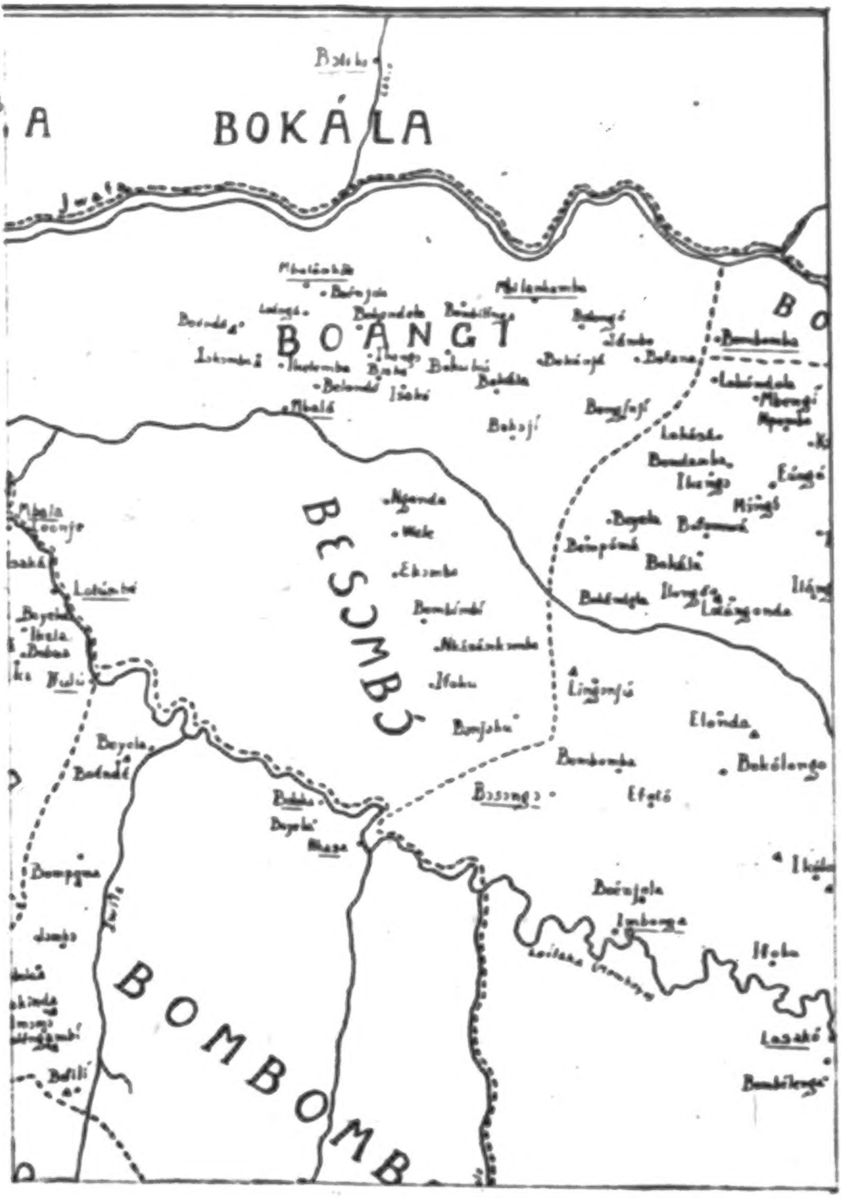
101
131
563
619


IBE
Bolingo
Mbonga
BONYANGA
Lolo
BAKAALA
FLANDRIA
WANGATA
BONKOSO
BOMBWANJA
BONGILI
IONDA
NTOMBA(WANGI)
LIOKO
LIOMBO
LONYANYANGA
BO

[End Map (B)]

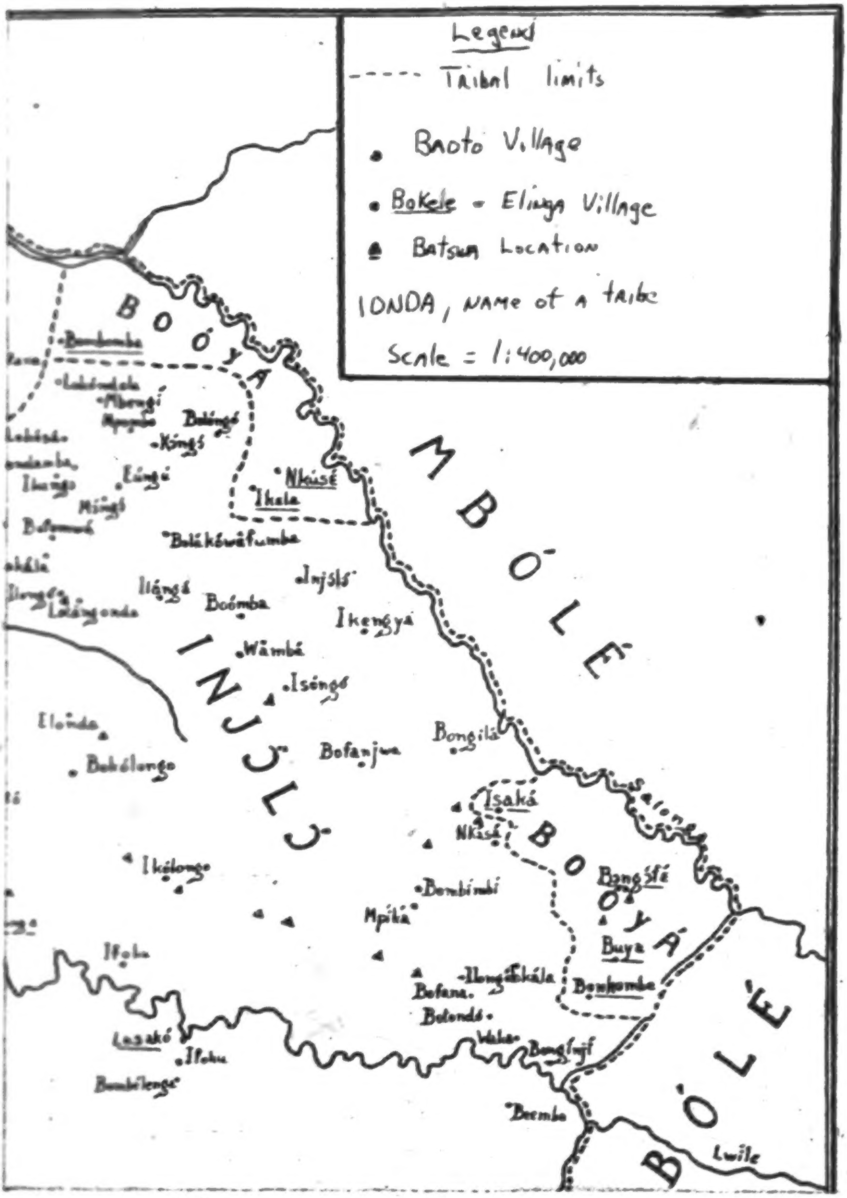
2:Hulstaert M-5 (ca. 1930) 1938 FO32 Mongo FO32
Nkundu

101
131
563
619


A
BOKÁLA
Bokala
BOANGI
BO
Mbalánkóló
Bokonde
Ilotomba
Balonda
Mbala
Lotumbé
Boyela
Ikala
Bobua
Ngonda
Wale
Ekombe
Bombimbi
Nkɔ́ɔ́nkɔmba
Ifoku
Bonjoku
BƐSƆMBƆ́
Bombomba
Lobánda
Bondamba
Bokála
Ilonga
Lingonjú
Elonda
Bokólongo
Bombomba
Bosongo
Efoto
Boyela
Bokonde
Bokala
Boyela
Bompona
Boenjela
Imbonga
Ifoku
Lusako
Bombilonge
Bolili
BOMBOMB

[End Map (C)]

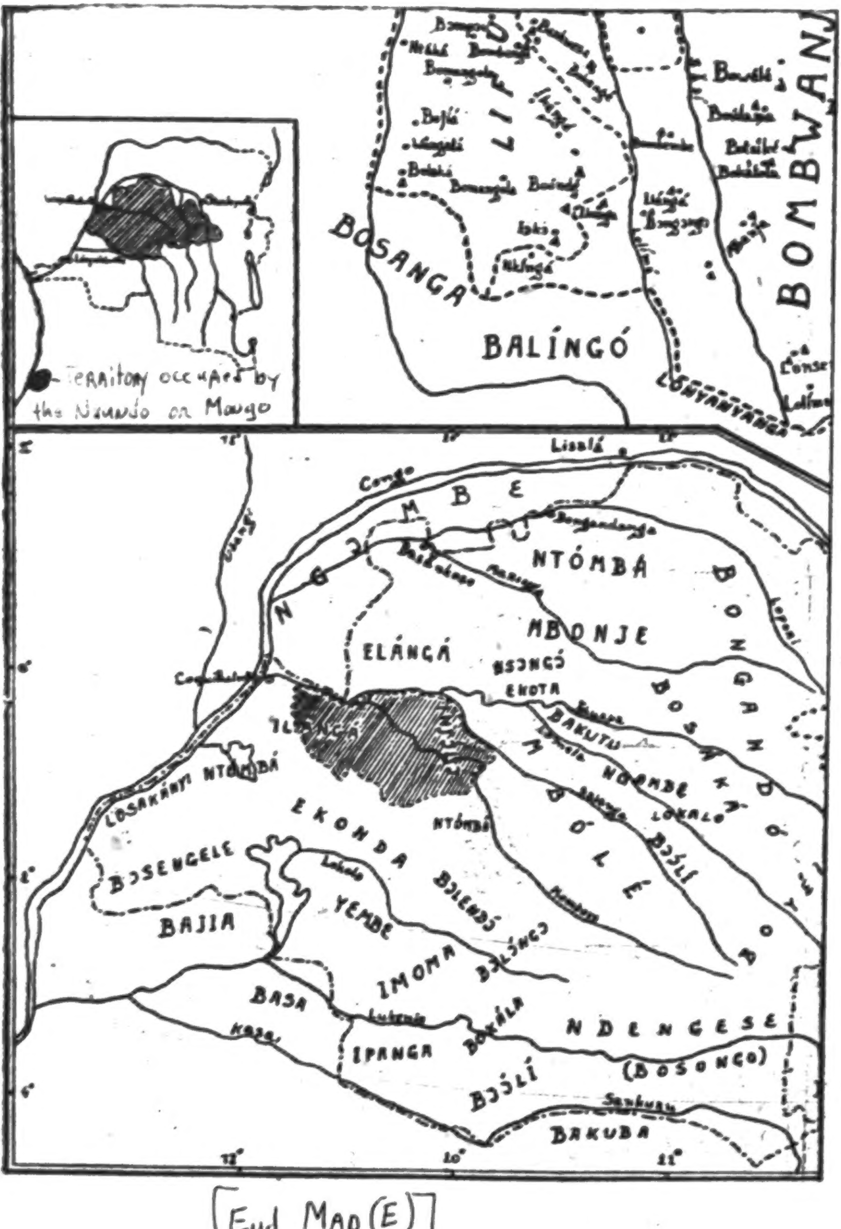
101
131
563
619


Legend
Tribal limits
Baoto Village
Bokele - Elinga Village
Batsua Location
IONDA, name of a tribe
Scale = 1:400,000
BOÓYA
MBOLÉ
INJƆLƆ
BOÓYA
BÓLÉ
Bombomba
Lokóndola
Mbongí
Bolíngó
Kóngɔ
Nkúsé
Ikela
Língá
Ilongo
Mángɔ
Bofamaé
Balákówáfumba
Injɔlɔ
Ilángá
Boómba
Lokángonda
Ikengyá
Wãmbá
Isóngɔ
Ilonda
Bokólongo
Bofanjwa
Bongilá
Isaká
Nkúsá
Ikólongo
Bombimbi
Mpíká
Bangófé
Buya
Bombomba
Ilongáfókála
Bofana
Bolondó
Ifoku
Lusakó
Ifoku
Bombilonge
Waka
Bongíofé
Bomba
Salonga
Lwile

[End Map (D)]

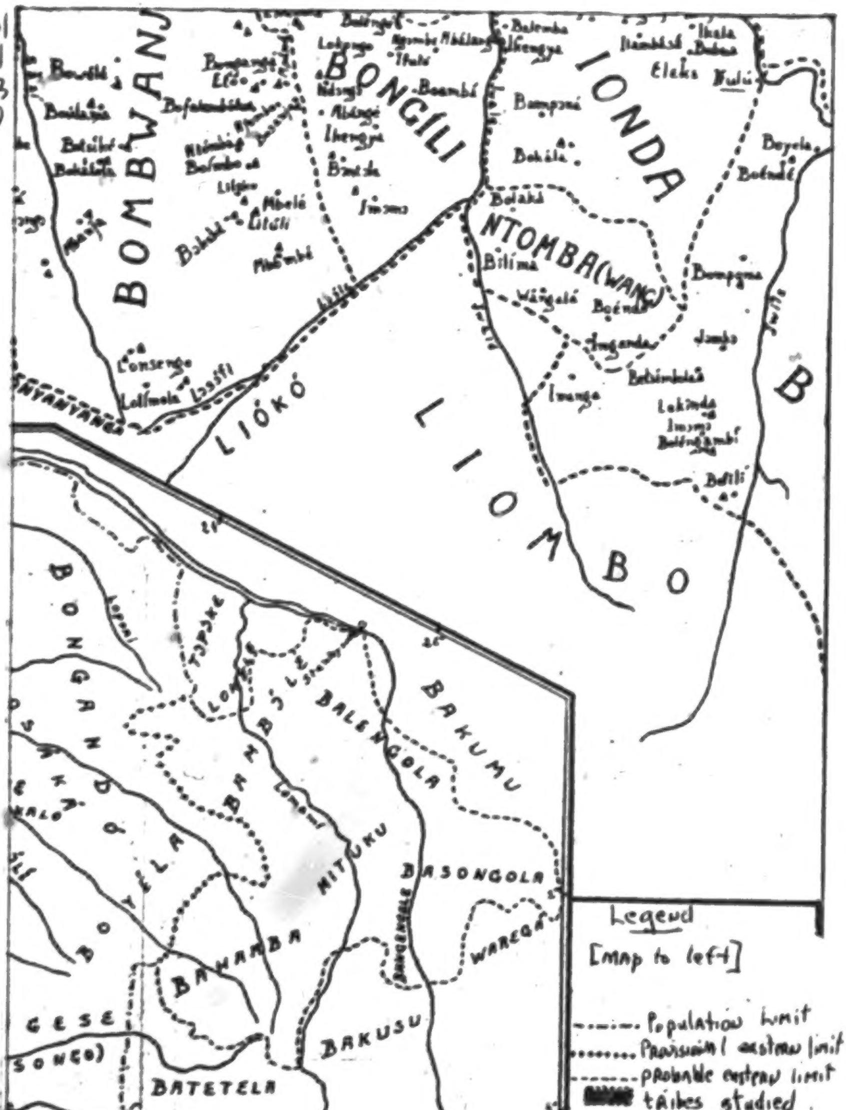
2:Hulstaert M-5 (ca. 1930) 1938 FO32 Mongo FO32
Nkundu

101
131
563
619


Territory occupied by the Nkundo or Mongo
BOSANGA
LI
BALÍNGÓ
BOMBWANJ
LONYANYANGA
Lisala
Congo
NGOMBE
NTÓMBA
MBONJE
ELÁNGÁ
BOSONGO
EKOTA
BAKUTU
BONGANDO
BOSAKA
NKOLE
NDOMBE
LOKALO
BOLI
ILANGA
LOSAKANYI NTOMBA
EKONDA
NTÓMBA
BOSENGELE
BOLENDO
BAJIA
YEMBE
IMOMA
BOLONGO
BASA
Kasai
IPANGA
BOKALA
NDENGESE
(BOSONGO)
BOLI
Sankuru
BAKUBA
Lukenie
Lokolo
Busira
Lomela
Lopori
Bongandanga
Coquilhatville
Ubangi

[End Map (E)]

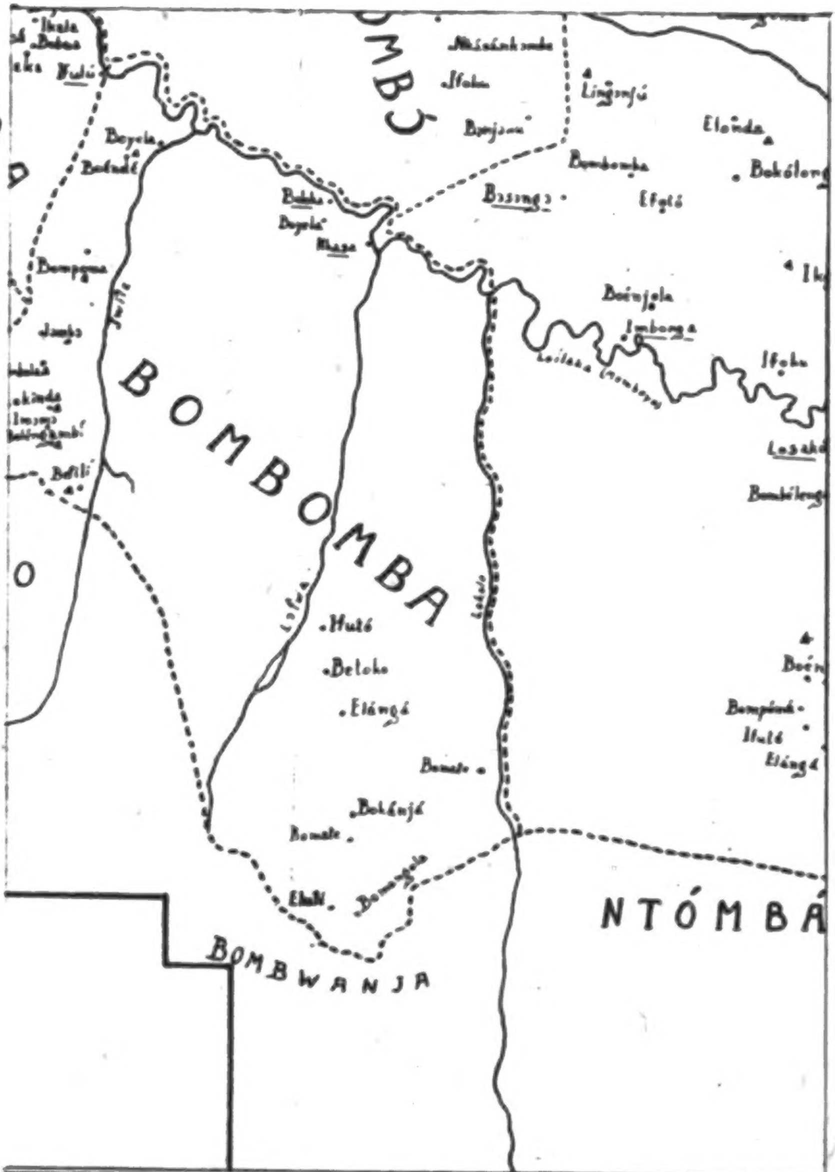
101
131
563
619


BOMBWANJ
BONGÍLI
IONDA
NTOMBA(WANG)
LIÓKÓ
LIOMBO
B
BONGANDO
BOTELA
BAMBOLE
TOPOKE
BALENGOLA
BAKUMU
MITUKU
BASONGOLA
BAMANGA
WAREGA
BAKUSU
BATETELA
GESE
SONGO)
Lomami
Lualaba
21°
24°
26°
Legend
[Map to left]
Population limit
Provisional eastern limit
probable eastern limit
tribes studied
EKONDA names of the principal tribes
Scale 1:5 000 000

[End Map (F)]

2:Hulstaert M-5 (ca. 1930) 1938 FO32 Mongo FO32
Nkundu

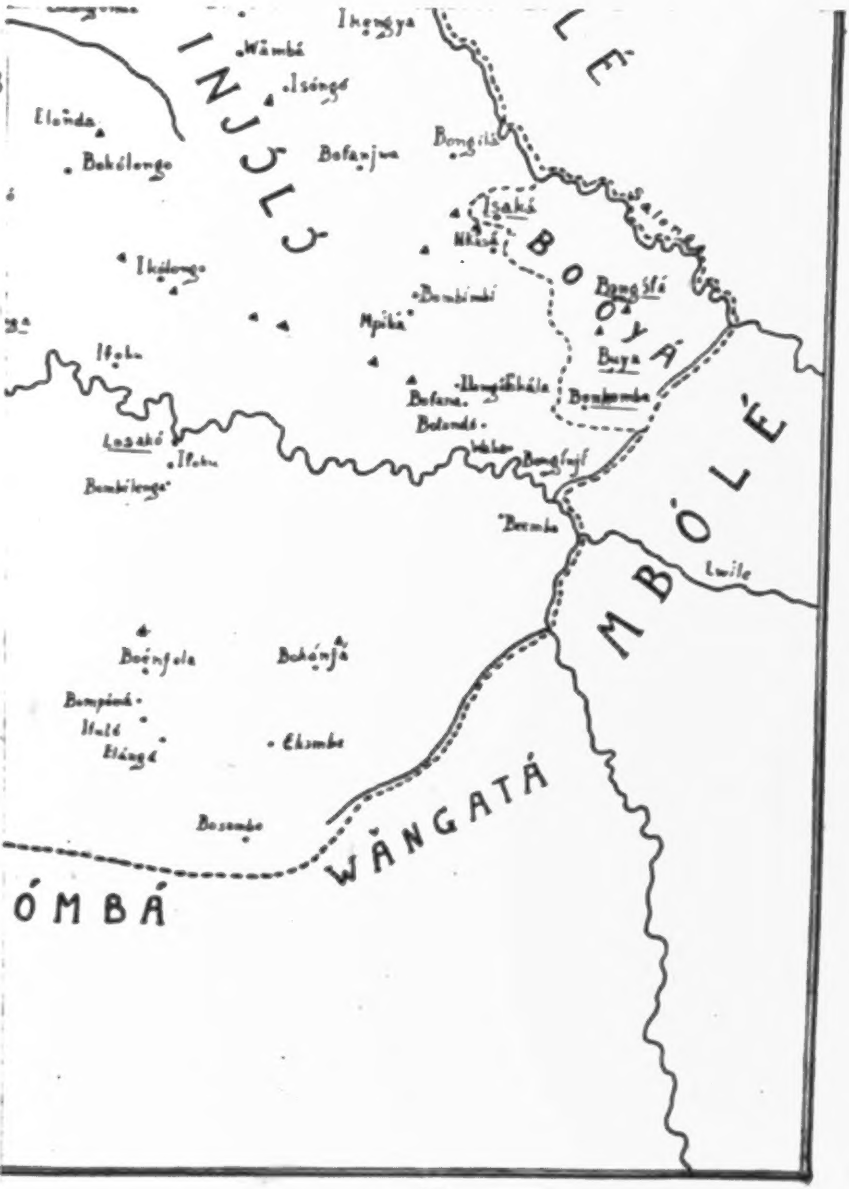
101
131
563
619


Ikala
Nulú
Boyela
Bompǫma
Jambo
Bofili
ÓMBÓ
Ifoku
Bonjoso
Bosongo
Bokko
Boyela
Mbaga
Lingonjú
Elonda
Bokólong
Bombomba
Efǫtó
Boénjola
Imbonga
Ifoku
Losako
Bombílenge
BOMBOMBA
Hutó
Beloko
Elángá
Bomato
Bokúnjá
Bomate
Ekali
Boéni
Bompóná
Ilutó
Elángá
NTÓMBA
BOMBWANJA

[End Map (G)]

2: Hulstaert M-5 (ca. 1930) 1938 FO32 Mongo FO32
Nkundu

101
131
563
619


Ikongya
Wambá
Isóngé
Eloṅda
Bokólongo
Bofanjwa
Bongilá
Ikólongo
Mpiká
Bombimbí
Ifoku
Losakó
Ifoku
Bombilonga
Isaká
Nkúsá
Bongálá
Buya
Bonkomba
Ilongáfkála
Bofana
Bolondo
Waka
Bongfují
Bemba
Lwile
Salonga
Boénfola
Bokánjá
Bompóná
Ilulé
Ilánga
Ekombe
Bosombo
INJOLO
BOOYA
LÉ
MBÓLÉ
WĂNGATÁ
ÓMBÁ

[End Map(H)]

2: Hulstaert
583

Mongo FO32

/For information concerning the mode of marriage and bride-price among the Nkundu, see category 116, pp. 81-82, 101-104, 109-172, 175-176, 190, 192-206, 218-220, 270-271, 332-333, 334, 414-415, and 423-424./

2: Hulstaert
586

Mongo FO32

/For information concerning divorce and termination of marriage among the Nkundu, see category 116, pp. 34-35, 38, 40-42, 56, 66, 67, 94, 96, 130, 160, 168, 172, 178, 189-192, 202-203, 236, 240, 248, 249, 253-254, 260, 271, and 353-390./

2: Hulstaert
593

Mongo FO32

/For information concerning family relationships among the Nkundu, see category 116, pp. 11, 22-26, 33-39, 51-52, 108, 139, 217, 222, 244-268, 271, 283, 285-289, 297, 299-300, 309, 391-393, 422-423, 424-428, 479-480, and 482-483./

2: Hulstaert
595

Mongo FO32

/For information concerning polygamy among the Nkundu, see category 116, pp. 25, 38-44, 220, 224-225, 235, 241, 252-253, 283, 308-309, 315-318, 320-352, and 481./